UNITED
NATIONS

**E**

---

**Economic and Social Council**

Distr.
GENERAL

E/CN.4/1999/61
12 January 1999

Original: ENGLISH/FRENCH/
SPANISH

---

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 11 (a) of the provisional agenda

# CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF: TORTURE AND DETENTION

## Report of the Special Rapporteur, Sir Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1998/38

## CONTENTS

| | | Paragraphs | Page |
|---|---|---|---|
| | Introduction . . . . . . . . . . . . . . . . . . . . | 1 - 2 | 4 |
| I. | MANDATE AND METHODS OF WORK . . . . . . . . . . | 3 - 4 | 4 |
| II. | ACTIVITIES OF THE SPECIAL RAPPORTEUR . . . . . | 5 - 10 | 5 |
| III. | INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES . . . . . . | 11 - 823 | 6 |
| | Albania . . . . . . . . . . . . . . . . . . . . . | 13 - 31 | 6 |
| | Algeria . . . . . . . . . . . . . . . . . . . . . | 32 - 41 | 9 |
| | Angola . . . . . . . . . . . . . . . . . . . . . | 42 | 12 |
| | Argentina . . . . . . . . . . . . . . . . . . . . | 43 - 46 | 12 |
| | Armenia . . . . . . . . . . . . . . . . . . . . . | 47 - 55 | 13 |
| | Australia . . . . . . . . . . . . . . . . . . . . | 56 - 58 | 15 |
| | Azerbaijan . . . . . . . . . . . . . . . . . . . | 59 - 64 | 16 |
| | Bahrain . . . . . . . . . . . . . . . . . . . . . | 65 - 78 | 18 |
| | Bangladesh . . . . . . . . . . . . . . . . . . . | 79 - 83 | 23 |
| | Bhutan . . . . . . . . . . . . . . . . . . . . . | 84 - 85 | 24 |
| | Brazil . . . . . . . . . . . . . . . . . . . . . | 86 - 95 | 25 |

UNITED
NATIONS

**E**

**Economic and Social Council**

Distr.
GENERAL

E/CN.4/1999/61
12 January 1999

Original: ENGLISH/FRENCH/
SPANISH

---

COMMISSION ON HUMAN RIGHTS
Fifty-fifth session
Item 11 (a) of the provisional agenda

# CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF: TORTURE AND DETENTION

## Report of the Special Rapporteur, Sir Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1998/38

CONTENTS

| | | Paragraphs | Page |
|---|---|---|---|
| | Introduction | 1 - 2 | 4 |
| I. | MANDATE AND METHODS OF WORK | 3 - 4 | 4 |
| II. | ACTIVITIES OF THE SPECIAL RAPPORTEUR | 5 - 10 | 5 |
| III. | INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES | 11 - 823 | 6 |
| | Albania | 13 - 31 | 6 |
| | Algeria | 32 - 41 | 9 |
| | Angola | 42 | 12 |
| | Argentina | 43 - 46 | 12 |
| | Armenia | 47 - 55 | 13 |
| | Australia | 56 - 58 | 15 |
| | Azerbaijan | 59 - 64 | 16 |
| | Bahrain | 65 - 78 | 18 |
| | Bangladesh | 79 - 83 | 23 |
| | Bhutan | 84 - 85 | 24 |
| | Brazil | 86 - 95 | 25 |

GE.99-10162 (E)

CONTENTS (continued)

| | Paragraphs | Page |
|---|---|---|
| Bulgaria | 96 | 27 |
| Burundi | 97 - 98 | 27 |
| Cambodia | 99 - 100 | 28 |
| Cameroon | 101 - 109 | 28 |
| Canada | 110 | 31 |
| Chad | 111 | 31 |
| Chile | 112 - 114 | 31 |
| China | 115 - 146 | 32 |
| Colombia | 147 - 168 | 36 |
| Congo (Democratic Republic of) | 169 - 179 | 39 |
| Cuba | 180 | 41 |
| Ecuador | 181 - 189 | 41 |
| Egypt | 190 - 239 | 42 |
| El Salvador | 240 | 50 |
| Equatorial Guinea | 241 - 248 | 50 |
| Ethiopia | 249 - 251 | 52 |
| France | 252 - 253 | 52 |
| Gambia | 254 - 259 | 53 |
| Georgia | 260 - 267 | 54 |
| Germany | 268 - 279 | 55 |
| Guatemala | 280 - 284 | 57 |
| Guinea-Bissau | 285 | 58 |
| Haiti | 286 | 58 |
| Honduras | 287 - 288 | 58 |
| Hungary | 289 | 59 |
| India | 290 - 315 | 59 |
| Indonesia | 316 - 360 | 65 |
| Iran (Islamic Republic of) | 361 - 368 | 77 |
| Ireland | 369 - 371 | 79 |
| Israel | 372 - 394 | 80 |
| Italy | 395 - 397 | 85 |
| Ivory Coast | 398 | 86 |
| Jamaica | 399 - 403 | 86 |
| Japan | 404 - 411 | 88 |
| Kazakhstan | 412 - 425 | 91 |
| Kenya | 426 - 437 | 93 |
| Kuwait | 438 | 95 |
| Kyrgyzstan | 439 | 95 |
| Lao People's Democratic Republic | 440 | 96 |
| Lebanon | 441 - 445 | 96 |
| Lesotho | 446 | 97 |
| Libyan Arab Jamahiriya | 447 - 455 | 98 |
| Malaysia | 456 - 459 | 99 |
| Mexico | 460 - 487 | 101 |
| Morocco | 488 - 489 | 106 |
| Myanmar | 490 - 526 | 107 |
| Namibia | 527 - 528 | 113 |
| Nepal | 529 - 535 | 113 |
| Niger | 536 | 115 |

CONTENTS (continued)

| | | Paragraphs | Page |
|---|---|---|---|
| | Nigeria | 537 - 554 | 115 |
| | Pakistan | 555 - 559 | 118 |
| | Paraguay | 560 | 119 |
| | Peru | 561 - 580 | 119 |
| | Philippines | 581 - 592 | 122 |
| | Portugal | 593 - 595 | 125 |
| | Republic of Korea | 596 | 125 |
| | Romania | 597 - 636 | 126 |
| | Russian Federation | 637 - 641 | 136 |
| | Rwanda | 642 - 647 | 137 |
| | Saudi Arabia | 648 - 649 | 138 |
| | Senegal | 650 - 651 | 139 |
| | Sierra Leone | 652 - 654 | 139 |
| | Spain | 655 - 658 | 140 |
| | Sri Lanka | 659 - 669 | 141 |
| | Sudan | 670 - 683 | 143 |
| | Sweden | 684 | 146 |
| | Switzerland | 685 | 146 |
| | Syrian Arab Republic | 686 - 687 | 147 |
| | Thailand | 688 - 689 | 147 |
| | Tunisia | 690 - 714 | 148 |
| | Turkey | 715 - 736 | 154 |
| | Uganda | 737 | 159 |
| | Ukraine | 738 | 160 |
| | United States of America | 739 - 752 | 160 |
| | United Kingdom of Great Britain and Northern Ireland | 753 - 763 | 164 |
| | Uzbekistan | 764 - 766 | 167 |
| | Venezuela | 767 - 791 | 168 |
| | Viet Nam | 792 - 796 | 172 |
| | Yemen | 797 | 173 |
| | Yugoslavia | 798 - 804 | 173 |
| | Zambia | 805 - 811 | 175 |
| | Zimbabwe | 812 | 176 |
| | Other communications: information transmitted to the Palestinian Authority | 813 - 823 | 176 |
| IV. | CONCLUSIONS AND RECOMMENDATIONS | 824 | 179 |
| Annex: | Interim oral report by the Special Rapporteur of the Commission on Human Rights on torture to the General Assembly | | 180 |

## Introduction

1. The mandate of the Special Rapporteur on torture, assigned since April 1993 to Mr. Nigel Rodley (United Kingdom), was renewed for three more years by the Commission on Human Rights in its resolution 1998/38. In conformity with this resolution, the Special Rapporteur hereby presents his sixth report to the Commission. Chapter I deals with aspects of the mandate and methods of work. Chapter II summarizes his activities during 1997. Chapter III contains a summary of communications sent by the Special Rapporteur and replies from Governments, from 6 December 1997 to 10 December 1998.

2. In addition to the above-mentioned resolutions, several other resolutions adopted or reaffirmed by the Commission on Human Rights at its fifty-fourth session are also pertinent within the framework of the mandate and have been taken into consideration by the Special Rapporteur in examining and analysing the information brought to his attention. These resolutions are, in particular: 1998/18, "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief"; 1998/19, "Rights of persons belonging to national or ethnic, religious and linguistic minorities"; 1998/26, "Racism, racial discrimination, xenophobia and related intolerance"; 1998/35, "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers"; 1998/39, "Human rights in the administration of justice, in particular of children and juveniles in detention"; 1998/40, "Question of enforced or involuntary disappearances"; 1998/41, "Question of arbitrary detention"; 1998/42, "Right to freedom of opinion and expression"; 1998/47, "Human rights and terrorism"; 1998/50, "Internally displaced persons"; 1998/52, "The elimination of violence against women"; 1998/68, "Extrajudicial, summary or arbitrary executions"; 1998/74, "Human rights and thematic procedures"; 1998/76, "Rights of the child".

## I. MANDATE AND METHODS OF WORK

3. No mandate-related issues have arisen during the year under review. The methods of work of the Special Rapporteur have been those followed previously, as approved most recently by the Commission in its resolution 1998/38, paragraph 24, and by the General Assembly in its resolution 53/139, paragraph 12. In particular, he has continued seeking to cooperate with holders of other Commission mandates to avoid duplication of activity in respect of country-specific initiatives. Thus, he has sent urgent appeals or transmitted information alleging violations within his mandate to Governments, or sought a joint mission to Member States in conjunction with the following mechanisms: the Working Groups on Enforced or Involuntary Disappearances and on Arbitrary Detention, and the Special Rapporteurs on extrajudicial, summary or arbitrary executions; the independence of judges and lawyers; freedom of opinion and expression; violence against women; the Sudan; the Democratic Republic of the Congo; Nigeria; and Burundi.

4. Of course, such joint activities depend on the mechanisms being in possession of the relevant information which, in turn, depends on effective communication between the relevant staff of the Office of the High Commissioner for Human Rights. In this respect, the Special Rapporteur

appreciates the continuing efforts of the Office to establish systems that will further improve the ability of the mechanisms to cooperate, with a view to avoiding duplication of communications in respect of certain cases.

## II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

5. A significant development for the mandate was the invitation, contained in Commission resolution 1998/38, paragraph 30, for the Special Rapporteur to present an oral interim report to the General Assembly at its fifty-third session on the overall trends and developments with respect to his mandate. On 5 November 1998, he accordingly addressed the Assembly's Third Committee under agenda item 110 (a). The text of the statement is annexed to the present report. In its resolution 53/139, paragraph 24, the General Assembly requested the Special Rapporteur to present an interim report to it at its fifty-fourth session.

6. During the period under review the Special Rapporteur undertook a mission to Turkey (9-19 November 1998). The report on this visit may be found in Addendum 1 to the present report. The Governments of Cameroon, Kenya and Romania have invited the Special Rapporteur to visit their countries, for which he is most grateful. Initial positive reactions from the Permanent Missions of Algeria and Egypt to his requests in 1997 for invitations to visit their countries (see E/CN.4/1998/38, para. 4) did not yield the hoped for invitations. His requests for invitations to visit China, India and Indonesia remain without positive response. During the year the Special Rapporteur also sought invitations to visit Bahrain, Brazil and Tunisia.

7. The Permanent Representative of Bahrain indicated that an invitation should await the planned visit of the Working Group on Arbitrary Detention and that a joint visit, as tentatively suggested by the Special Rapporteur, risked complicating decision-making regarding cooperation with the Commission's mechanisms. The Deputy Permanent Representative of Brazil gave a positive initial reaction, while explaining a need to allow time for new federal and State administration fully to establish themselves.

8. On 19 May 1998, the Special Rapporteur participated in the first joint meeting with the Committee against Torture and the Voluntary Fund for Victims of Torture, together with the High Commissioner for Human Rights. The other bodies with mandates connected with torture exchanged views and information on how each of them works and the complementarity of their mandates. The meeting also adopted a statement for 26 June, the United Nations International Day in Support of Victims of Torture. The Special Rapporteur believes that such meetings would be valuable on a periodic basis. He also participated in the fifth meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, held in Geneva from 25 to 29 May. On the nomination of the Chairperson of that meeting, from 22 to 25 June he attended the Diplomatic Conference on the Establishment of an International Criminal Court, held in Rome from 15 June to 17 July 1998. He also attended a round table of the International Institute of Humanitarian Law on the resulting Rome Statute of the International Criminal Court, held in San Remo, from 2 to 4 September 1998.

9. He agreed to serve on a panel on torture established by the Organization for Security and Co-operation in Europe (OSCE,) participating in June and October meetings of the panel and, on the latter occasion, also addressing a plenary session of the OSCE Review Meeting on Implementation of Basket 3 of the Helsinki Final Act, dedicated specifically to the question of torture.

10. On 5 October 1998, he addressed an international meeting of centres for the rehabilitation of victims of torture in Minneapolis, Minnesota. He also spoke at several events convened to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights, including an international conference on the origins of the Declaration convened by the French National Consultative Commission on Human Rights from 14 to 16 September, a meeting organized by Amnesty International UK and Liberty on 16 October 1998 and an international conference organized by the University of Utrecht from 10 to 12 December.

## III. INFORMATION REVIEWED BY THE SPECIAL RAPPORTEUR WITH RESPECT TO VARIOUS COUNTRIES

11. During the period under review, the Special Rapporteur sent 64 letters to 59 countries on behalf of 400 individuals and 10 groups involving about 250 persons. About 80 were known to be women and about 40 were known to be minors. The Special Rapporteur also sent 39 letters reminding Governments of a number of cases that had been transmitted in previous years. Together with individual cases the Special Rapporteur also transmitted to Governments 27 allegations of a more general nature. The Special Rapporteur transmitted 122 urgent appeals to 41 Governments on behalf of 380 individuals (about 30 of whom were known to be women and 30 were known to be minors) and 20 groups (including one group of 190 women) involving about 1,500 persons with regard to whom fears that they might be subjected to torture and other forms of ill-treatment had been expressed. In addition, 35 Governments provided the Special Rapporteur with replies on 450 cases submitted during the year under review, whereas 17 did so with respect to some 300 cases submitted in previous years.

12. This chapter contains, on a country-by-country basis, summaries of the general allegations and individual cases, as well as of the urgent appeals, transmitted to Governments, and their replies. Observations by the Special Rapporteur have also been included where applicable. Owing to a lack of resources, the Special Rapporteur was not able to send follow-up comments to reports and recommendations made after previous years' visits to countries. He was also not able to include in the current report replies sent by Governments in Spanish. The latter will be included in the report to the next session of the Commission on Human Rights.

### Albania

### Regular communications and replies received

13. By letter dated 3 September 1998, the Special Rapporteur informed the Government that he had received information concerning the way a number of opposition, in particular Socialist Party (SP), supporters had been treated. A number of the cases summarized below are related to the demonstrations which

occurred on 28 May 1996 following the national elections of 26 May. On 29 May 1996, the Special Rapporteur had already sent an urgent appeal on behalf of persons who had been arrested (see E/CN.4/1997/7/Add.1, para. 1). In the course of the demonstrations, many persons had reportedly been subjected to violence by the regular police, the anti-riot squads armed with shields and helmets, and plain-clothed police officials of the National Intelligence Service (ShIK). A number of high ranking police officers were said to have been dismissed as a result. The Special Rapporteur transmitted to the Government the individual cases summarized in the following paragraphs.

14. Xhemal Hysi was reportedly arrested by the police at work on 11 September 1995 in the province of Saranda. Having supposedly been found in possession of a leaflet criticizing President Berisha and the presence of Americans in Albania, he was allegedly detained by the police for 16 hours, during which time he was said to have been brutally beaten in the presence of high-ranking police officers and threatened with exposure to electric shocks. He was reportedly released still bleeding and too scared to lodge a complaint, despite a suggestion to that effect by the duty officer.

15. Hamit Arshia is said to have been beaten by police on 19 and 20 September 1995. Half a dozen police officials reportedly ordered him to board a police vehicle when he was in the courtyard of the courthouse. On reaching the police station, he was allegedly locked in a cell, where three plain-clothed policemen allegedly began by threatening him with a truncheon, on the pretext that his bar was a meeting place for SP sympathizers. He was allegedly beaten for several hours, before being thrown out into the street. After remaining unconscious for a while, he was reportedly found by the village doctor and taken directly to hospital.

16. Enver Jaho, an SP activist, was reportedly arrested in the street on 20 September 1995. He was said to have been taken to the police station for questioning concerning anti-Government slogans written on the walls of the town, preceding the arrival of President Berisha. Tirana policemen then allegedly beat and kicked him. Enver Jaho reportedly obtained a medical certificate and lodged a complaint. Sasho Meta was said to have been arrested for similar reasons, on the same day. Some men wearing military uniforms, who had arrived in a police car, then allegedly began to punch and kick him. He was reportedly released the following morning, before being examined by a doctor and lodging a complaint with the local procurator.

17. Behar Toska was reportedly arrested in February 1996 in Tirana. He was said to have been accused of receiving money from the SP to write anti-Government slogans on the walls, taken to the police station and ordered to undress. Six policemen then allegedly questioned him and struck him with a plastic truncheon and with a piece of metal piping. Behar Toska reportedly had several teeth broken and noted traces of blood in his urine in the days that followed. The medical staff that had looked after him was said nevertheless to have refused to issue a medical certificate when they heard that Behar Toska had been beaten by the police. He reportedly complained about the way he had been treated to a high-ranking police officer, with the intention of undertaking legal action against the policemen involved.

18. Vatos Veliu was reportedly arrested on 16 February 1996, two days after an article of his had been published denouncing probable acts of corruption by the Saranda police. At the police station, he was allegedly kicked and punched, before being released two hours later. A medical certificate was said to have been issued dated 20 February 1996.

19. Gjokê Lulashi, Petraq Kumaraku and Marash Marashi were reportedly three of the SP activists held by the police for 13 hours, on 6 May 1996, in Kurbin. They were allegedly beaten with plastic truncheons and subsequently released, with the warning that they were not to be seen taking part in SP meetings again.

20. Aliosha Quamaj, one of the local heads of the Albanian Eurosocialist Forum, was reportedly arrested on 9 May 1996 in Durrês after writing slogans on the walls. He allegedly lodged a complaint for ill-treatment, backed up by a medical certificate, against two policemen.

21. Ridvan Peshkêpia, a member of parliament belonging to the Democratic Alliance party, was said to have been among five persons arrested in a university film club in Tirana, on 16 May 1996, in the course of an officially authorized party meeting. The chief of the local police station allegedly struck him several times.

22. Maksim Parangoni, a member of the local SP, and Edi Spahiu, one of the leaders of the local branch of the Eurosocialist Youth Forum, were said to have been among several persons arrested and ill-treated by the Berat police, on 18 May 1996. They were allegedly beaten on several occasions.

23. Saimir Xhuglini, the bodyguard of the SP candidate, Luan Hajdaraga; Skênder Lame, a member of the presiding body of the Eurosocialist Youth Forum, and Lame Lamaj, together with some 20 other SP supporters, were reportedly arrested near the Tirana ballet school, where an electoral meeting was to have been held, on 20 May 1996. They were allegedly violently beaten and seriously wounded by the police. Saimir Xhuglini in particular was said to have been taken to No. 1 police station, where some 20 policemen were waiting to give him a beating.

24. Erion Braçe, an SP candidate in the Berat district, was reportedly arrested on 26 May 1996 in his car while on his way to Poliçan. He was allegedly taken to the police station and beaten there for two hours.

25. Flamur Mulova, an SP candidate in Berat, was allegedly threatened with weapons and beaten in the office of his party, on 26 May 1996.

26. Krenar Cakêrri, a member of the Vlora electoral control commission, Ilirjan Kuçi and Tartar Ademi, SP supporters, were allegedly beaten by the police in Vlora, on 26 May 1996.

27. Dritan Belinjeri, a member of the Democratic Alliance, was reportedly arrested in Tirana, on 26 May 1996. He was allegedly beaten by the police, after complaining of irregularities in electoral procedures, for which the chairman of his commission was believed to be responsible.

28. Sêrvet Pêllumbi, Namik Dokle, Ndre Legisi, Pandeli Majko, Halil Lalaj, Mojko Zeqo, Musa Ulgini, Luan Hajdaraga, Neritan Ceka, Blendi Gonxhe, Arben Imammi, Gramoz Pashko, Skênder Gjinushi, Gaqo Apostolli, Hziz Ferati, Ilmi Habibasi, Sheptim Maloku, Faik Cukarizi, Andrea Jano, Gêzim Karanxha, Orhan Hoxha, Sokol Lulja, Genc Beqiraj and Viktor Cuko, together with the following women, Shpresa Sula, Arta Deda, Ermelinda Meksi, Anila Imami, Delina Fico and Sonila Qirjako, Ilvo Haxhiu and Fatbardha Isufi, were all reportedly arrested during the demonstration of 28 May 1996 on Skenderberg Square. They all allegedly suffered ill-treatment and most of them were said to have been in need of medical care owing to injuries incurred in clashes with the police. Most of them were also allegedly taken to No. 1 police station in Tirana, where they were beaten.

29. Prokop Gjika was reportedly involved in the Skenderberg Square demonstrations of 28 May 1996. He was allegedly struck several times in the face and in the ribs, before being finally taken to hospital by two plain-clothed policemen in a police car. In hospital, he reportedly received several stitches in the forehead.

30. Arben Imami, one of the leaders of the Democratic Alliance party, was reportedly among the 20 or so opposition leaders arrested during the demonstration of 28 May 1996. He was allegedly violently beaten by plain-clothed policemen of the ShIK at their headquarters. He was reportedly kicked while lying on the ground. When he was brought back to No. 3 police station, the uniformed policemen there apparently refused to register his complaint, even though his face and clothes were bloodstained. He was said to have obtained a forensic medical report issued by a specialist of Tirana university hospital.

31. Bardhok Lala, a journalist for the independent daily Dita Informacion, was reportedly arrested by ShIK agents on 28 May 1996 in the course of the demonstrations that followed the national elections. He was allegedly beaten by the agents in a bar near the Skenderberg Square, then taken to No. 2 police station. After being released, he was said to have been arrested in the street by the same policemen and taken away in a van, in which he was beaten by five men with plastic truncheons. Having been pulled out of the van by his hair, he was allegedly dragged some 20 metres through bushes near a lake. There he was reportedly again beaten with truncheons. One of the policemen apparently threatened to kill him dozens of times, while pointing a gun at his head. The same policeman was said to have fired several shots, though without wounding Bardhok Lala. The latter had then reportedly been abandoned. On 31 May 1996, the ShIK spokesman reportedly denied that ShIK agents had ill-treated Bardhok Lala. At the end of July 1996, Bardhok Lala apparently recorded a statement in the Procurator's office. Subsequently, the ShIK was said to have lodged a defamation complaint against him.

## Algeria

### Regular communications and replies received

32. By letter dated 3 September 1998, the Rapporteur informed the Government that he had received information according to which the frequency of cases of ill-treatment appeared to indicate that they might be considered general

practice rather than "isolated cases of abuse of authority". Thousands of detainees had reportedly complained of such ill-treatment in the course of their trial. It was said to occur particularly frequently during police custody in police and gendarmerie stations or during detention in military security centres. Prisoners were allegedly tortured mainly while held incommunicado, a condition which could last weeks or even months. The main purpose of acts of torture and ill-treatment was said to be to obtain information and signed confessions in the form of written statements during questioning, but they also served as a form of punishment. All those suspected of maintaining links with armed opposition groups were believed to be particularly exposed to torture. The methods of torture most currently used by the security forces were said to include the "rag", which consisted in tying the prisoner to a bench, with a rag stuffed into his mouth, and filling his mouth with great quantities of dirty or salty water, sometimes mixed with chemical products; another was the "torch", which consisted in inflicting burns on different parts of the body. Other methods were said to include applying electric shocks to sensitive parts of the body, tying a string around the penis and/or testicles, or jamming genital organs in drawers, striking prisoners, burning them with cigarettes, introducing objects or glue in their anus or letting them hang. It appeared that independent medical checks during police custody, and even later, were frequently refused. If a medical examination did take place, it was apparently often conducted after a delay and by a Government-appointed doctor. Some detainees had allegedly died in detention as a result of the torture to which they had been subjected. Since 1992, the authorities were believed to have ordered no official judicial inquiry into allegations of torture and ill-treatment or to have taken any preventive measure, thus giving further support to impunity.

33. In the same letter, the Special Rapporteur informed the Government that he had received information concerning the following cases. The Government replied by letter dated 1 December 1998.

34. Mabrouk Djouaidia was reportedly arrested on 8 March 1997 by the gendarmerie brigade of Quallel near Souk-Ahras. He was allegedly subjected for eight days to torture, including the "rag" technique, and was beaten about the head with sticks, apparently suffering a fractured jaw in the process. He was said to have been obliged in this way to sign a statement, the content of which was baseless. He was then said to have been taken to Blida, where he was held for 60 days, though without further ill-treatment, then brought back to Souk-Ahras, where he was released. The Government said that he had been acquitted on 29 March 1998 and that he had never lodged any complaint for the ill-treatment he had allegedly endured during his period of police custody.

35. The case of Mohamed-Yacine Simozrag had already been mentioned by the Special Rapporteur when he had been first arrested in 1993 (see E/CN.4/1994/31, paras. 27 to 29). At the time, the Government had replied that he had been tried in accordance with the law and that his allegations of ill-treatment had never led to his requesting an inquiry or a medical examination. According to new information, he was taken on 9 October 1994 to the central police station of El-Harrach, where he was allegedly subjected to torture for a whole day, including the "rag", and was beaten with rods on different parts of his body. After being transferred to the prison of Serkadji, he was allegedly detained for two months in a 6 m2 cell, together

with seven other prisoners. He reportedly died during the uprising in the prison of Serkadji on 21-22 February 1995, after being finished off with the "torch". The Government indicated that the report of the inquiry into the Serkadji mutiny had never mentioned any ill-treatment, but it confirmed that the person concerned had died in the course of the mutiny.

36. Abderrezak Koudri was reportedly arrested at his home by the Bourouba police on 17 October 1994. He was allegedly kept naked for 43 days in a damp cell. The conditions of his detention were said to have caused the breakout of an infectious skin disease. He was also said to have suffered broken ribs as a result of the blows he had received. Those facts had reportedly been confirmed in a medical report. Although they had been informed of the ill-treatment, the judicial authorities allegedly had failed to react. It was reported that he had been sentenced on 10 November 1996 to three years' imprisonment and was believed to be currently in detention at the El-Harrach prison. The Government stated that he had been released on 27 November 1997, after receiving a firm three-year prison sentence from the criminal court of Algiers.

Follow-up to previously transmitted communications

37. By letter dated 6 February 1998, the Government replied regarding cases communicated by the Special Rapporteur on 17 November 1997 (see E/CN.4/1998/38/Add.1, paras. 4 to 7).

38. Regarding the case of Hassan Cherif and his brother Hakim, who had been allegedly subjected to torture while in detention in August 1996, the Government stated that no trace of torture or ill-treatment had been found in the course of a medical examination carried out in October 1996.

39. Regarding the case of Branim Abdullatif, who had been allegedly tortured during detention from January to March 1997 and who, as a result of that ill-treatment, had become deaf and had partially lost his eyesight, the Government stated that his lawyer's request for a medical report had been rejected by the Government Procurator on the grounds that the request had not been submitted to the examining magistrate. Nevertheless, the Government assured the Rapporteur that, at Branim Abdullatif's first hearing, he had shown no sign of ill-treatment. The Government also informed the Rapporteur that no medical examination had been conducted seven months after the alleged events.

40. Regarding the case of Maître Rachid Mesli, a lawyer specialized in human rights, who had been allegedly arrested and tortured by the police in August 1996, the Government stated that Maître Mesli had been charged with setting up a terrorist group. The Government noted that, at his first hearing, he had never said that he had been ill-treated during police custody. Following a subsequent request by his lawyers, a medical report dated November 1996 had confirmed that Maître Mesli enjoyed all his mental faculties and showed only a slight injury to his right eye. The Government observed that no complaint had been lodged in that respect. Lastly, the Government stated that Maître Mesli had been found not guilty by the criminal court of

the charges brought against him, but had been found guilty of advocacy of crime, an offence for which he had been sentenced to three years' imprisonment.

Observations

41. The Special Rapporteur's hopes of receiving an invitation to visit (E/CN.4/1998/38, para. 18) proved unfounded, his subsequent attempts at contacts having been ignored. He notes the concluding observations of the Human Rights Committee, in which the Committee stated that it was "deeply concerned over persistent allegations of systematic torture" (CCPR/C/79/Add.95, para. 9), and considers that there remains substantial justification for a visit.

## Angola

42. By letter dated 3 September 1998, the Special Rapporteur informed the Government that he had received information concerning a likely deterioration of the situation prevailing in the enclave of Cabinda since the beginning of 1997. According to that information, acts of torture and ill-treatment committed in connection with the conflict in that area by soldiers of the regular army, as well as by members of the paramilitary group of the Polícia da Intervencão Rápida (PIR) (Rapid Intervention Police) were said to be very widespread. The acts were reportedly committed either against persons from whom the soldiers were trying to obtain information, or against the civilian population in reprisal for armed attacks by separatist groups, especially various factions of the Frente para Libertação do Enclave de Cabinda (FLEC) (Cabinda Enclave Liberation Front). They were also believed to be aimed at punishing or intimidating political opponents. In areas not directly affected by the conflict, the victims of such acts were persons suspected of supporting FLEC policies or disobeying Government orders. The methods used were said to include the following: punching and kicking, as well as beatings with a truncheon or a machete, bullets fired into the limbs, or electric shocks and bayonets pointed at the throat. There had reportedly been no official inquiry as yet concerning those allegations of torture, and no charges had been brought against persons suspected of having committed the offences. Furthermore, the Government was believed to have taken no action so far to prevent or put an end to such practices.

## Argentina

Regular communications and replies received

43. By letter dated 26 October 1998, the Special Rapporteur informed the Government that he had received information concerning the following cases.

44. Marcelo Atencia was reportedly arrested on 20 March 1998 at work by Buenos Aires police forces of the No. 1 police station of San Miguel and taken to police premises. On the following day, Marcelo Atencia allegedly arrived home with his face terribly disfigured. His relatives took him to the Federal Capital hospital, where he was diagnosed as suffering severe swellings and infections. Police station officials denied that Marcelo Atencia had been

arrested. It is also reported that his father lodged a complaint regarding his son's injuries at the No. 2 police station of José C. Paz on the night of 21 March.

45. Luis Cufré, aged 14, was reportedly arrested on Thursday, 18 September 1997 in the Plaza Constitución (Federal Capital) by police forces of the Mitre division. At the time of his arrest, Luis Cufré was allegedly thrown violently onto the pavement just as a vehicle was passing in the street, and was seriously injured as a consequence. It is reported that Luis Cufré was subsequently hospitalized. According to the information received, he was suffering from fractures of the base of the skull, a fracture of the cheekbones, a fracture of the jaw, a fracture of the collarbone, serious lung damage and a heart disorder. According to witnesses, the police urged the driver of the vehicle to leave the place in order to avoid having any eyewitnesses. In reply to complaints, the police claimed subsequently that at the time of the police action a traffic accident had occurred and that the vehicle involved had escaped, that police officials had tried to save him and that he had been injured. The alleged reason for the arrest was four suspected attempted robberies. On 23 September 1997, he had reportedly been charged in National Criminal Court No. 15, Registry 146.

46. In the same letter, the Special Rapporteur reminded the Government that no replies had been given concerning several cases communicated in 1997.

## Armenia

### Regular communications and replies received

47. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on Manvel Virabyan, age 17, who allegedly died in police custody as a result of severe beatings and ill-treatment by officials in April 1997. Police from the Sovetsky District Department of Internal Affairs who were investigating a robbery reportedly arrested Manvel Virabayan at his home in Yerevan on 5 April 1997. Later that day his brother, Mamikon Virabayan, and two friends, Meruzhan Arutyunyan and Varazdat Avetisyan, were also arrested in connection with the same case. All four men were allegedly subjected to severe beatings, often rendering them unconscious, in an effort to make them confess. Manvel Virabayan reportedly died on 13 April while in police custody. His body and face showed signs of serious injuries. His mother initially protested his death, but was allegedly forced to drop the charges because of threats made by officials against her other son.

48. By letter dated 14 November 1998, the Government confirmed the arrest of the above-mentioned persons and indicated that during his detention Manvel Virabayan had demonstrated disordered behaviour and attempted to hit himself on the doors and walls. According to the Government, he was then ordered to calm down and lay down on a wooden bench in order to sleep. He was found dead at about 7 p.m. In accordance with the Criminal Code, a criminal investigation was opened by the Office of the Public Prosecutor of Yerevan. The autopsy report indicates that the cause of his death was acute lung and heart failure and general intoxication of his body, but no traces of beating were found on his body. The investigation revealed that the officers of the

Internal Affairs Department did not use any violence against him, nor did he commit suicide. Due to the lack of corpus delicti, the criminal investigation was closed. The Government confirmed that his relatives did not present any complaints.

49. In his letter dated 3 September 1998 the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 regarding which no reply had been received.

Follow-up to previously transmitted communications

50. By letter dated 15 July 1998, the Government responded to allegations concerning the "Dro" case and the trial of Vahan Hovhannissian and 30 other persons that had been transmitted by the Special Rapporteur in 1996 (see E/CN.4/1997/7/Add.1, para. 2) and 1997 (see E/CN.4/1998/38/Add.1, para. 11), respectively.

51. Concerning the "Dro" case, the Government indicated that the legal representative of Arsen Artsrouni stated during the investigation that violence had been used against his client. But, Arsen Artsruni himself is said by the Government to have declared on 27 May 1995 that no coercion had been used against him. He nevertheless undertook a medical examination at the Forensic Medicine Research Centre at the Ministry of Health. At that examination, he repeated that he had not suffered any bodily harm or any physical violence, which was confirmed by the medical experts. According to the Government, Armenak Mnjoyan has not lodged any complaints of beatings or violence used against him. No verbal or written statements on ill-treatment were presented by his lawyers. Gegham Manoukian was released in May 1997 and no statement on ill-treatment during his detention was presented. No information on the lawyers involved in the case, who were allegedly beaten, has been given by the Government.

52. Concerning Vahan Hovhannissian, the Government stated that he and others had been released from custody by presidential decrees and decisions of relevant judicial authorities. Only four of those accused of attempting an armed coup were currently serving their sentence. Furthermore, the Government indicated that Manvel Yeghiazarian's lawyers, who attended all the investigatory proceedings during his custody, had not presented any verbal or written statements claiming that he had been subjected to any physical pressure. On 2 February 1998, he was pardoned by a presidential decree and released from custody. Concerning Ashot Avetissian, no statement concerning the use of unlawful methods of interrogation or physical violence against him had been presented. He had been sentenced to five years' imprisonment, but subsequently released after having been cleared of all the charges at the decision of the Appeal Court of the Presidium of the Supreme Court.

53. By the same letter, the Government informed the Special Rapporteur that no evidence had been found to confirm the allegations of beatings and the use of physical violence against Hamayak Hovhannissian (see E/CN.4/1998/38/Add.1, para. 12). The initiation of a criminal case had been rejected, for lack of evidence, on 15 April 1995.

54. By letter dated 14 November 1998, the Government responded to the letter sent by the Special Rapporteur on 5 February 1997 on behalf of Aramzd Zakanian (see E/CN.4/1998/38/Add.1, para. 13). The Government indicated that a criminal investigation had been launched on 18 October 1996. It had concluded that a group of 10 to 15 persons in civilian and military clothes had assaulted him while he was entering the building in which the Office of the "National Self-Determination Union" political party is located. The Government further indicated that he had been transferred by car to the Department against Organized Crime at the Ministry of Internal Affairs and National Security, where he was subjected to violence. The Ministry had been required to identify the perpetrators of those acts, but, despite the investigation, they had not been identified. In accordance with the Code of Criminal Procedure, the provisional investigation was discontinued on 18 October 1997 since the identity of the perpetrators remained unknown. No reference to the other persons allegedly beaten in the same circumstances is made in the Government's reply. But the Government indicated that it would respond to other allegations mentioned in the Special Rapporteur's letters as soon as the complete data were available.

### Observations

55. The Special Rapporteur notes that, in its concluding observations, the Human Rights Committee expressed "its concern about allegations of torture and ill-treatment by law enforcement officials" (CCPR/C/79/Add.100, para. 12).

## Australia

### Regular communications and replies received

56. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information concerning a high incidence of Aboriginal deaths in custody. Since July 1991, 64 Aborigines are said to have died or sustained fatal injuries in prisons or police facilities. In some cases ill-treatment, or lack of care, may have contributed to a death in custody. The reported lack of promptness, thoroughness, independence and transparency of many investigations into deaths in custody, as well as the reported harassment and intimidation by law enforcement officers of a number of relatives who did not accept official explanations, seem to compound these concerns. While many of these concerns were raised in the context of Aboriginal deaths in custody, they appear to be equally relevant for all Australian custodial deaths. First, detailed findings of most investigations into deaths are not normally made public. Second, investigations into deaths in police custody are routinely carried out by police officers of the police service in whose custody the death occurred. Third, police officers are involved in so many aspects of coroners' investigations into deaths in custody that they have been perceived by community organizations as effectively in control of the investigative process. These three concerns raise the questions of transparency, impartiality and independence. In that connection, the Special Rapporteur advised the Government that he had received information on the following cases.

57. Daniel Yock reportedly died of a heart condition while in police custody within 30 minutes of his arrest on 7 November 1993. He was reportedly arrested along with several other Aboriginal youths in central Brisbane. A police officer is thought to have then turned him so that he was face down on the ground and handcuffed his hands behind his back. Witnesses testified the arresting officers kicked or punched Daniel Yock and ignored attempts to alert them to his health condition. Police officers and other witnesses reported seeing vomit or fluid coming from his mouth and body movements described as shaking. Then he was taken to a police van, in which he was reportedly placed face down and kept for nearly half an hour. Reportedly, the police officers at no time checked on his condition despite the fact that several arresting officers noticed that he might have been unwell. Upon arrival at the police watch-house, after the van had circled the area for 17 minutes, Daniel Yock was reportedly found dead. Two post-mortem examinations are believed to have found the immediate cause of death to be cardiac arrhythmia. The Queensland Criminal Justice Commission, which reportedly conducted an inquiry, is said to have found no sufficient evidence to support a *prima facie* case against any member of the Police Service.

58. Kim Nixon reportedly died of a serious heart condition in police custody on 13 September 1994. He was arrested on 12 September 1994 for breach of jail conditions and taken to the East Perth police lock-up. Although a serious heart condition was reported as the cause of death while in police custody, officers allegedly failed to take appropriate measures to protect his health. They allegedly ignored his confusing requests for his high blood pressure medication. That night a fellow inmate noticed that Kim Nixon was vomiting and looking ill and weak; however, officers recording 21 routine observations of Kim Nixon throughout the night did not note anything unusual. Later, he was reportedly taken to court and fined. According to the coroner's report he should have then been released. Instead, he was placed in a holding cell in the police lock-up under the direct supervision of a police officer, who sat immediately outside his cell door. An hour later, he suddenly collapsed and was subsequently pronounced dead at the hospital. The coroner did not recommend any disciplinary or criminal proceedings against individual officers as a consequence of his findings, but focused on recommendations for a thorough review of police training in custodial care. As the result of its own investigations into the case, the Western Australia Police Service took immediate steps to remedy problems identified in police custody procedures.

## Azerbaijan

### Regular communications and replies received

59. By letter dated 23 September 1998, the Special Rapporteur informed the Government that he had received information on the following cases.

60. Samir Zulfugarov allegedly died after being beaten by law enforcement officials subsequent to his arrest in July 1997 on charges of drug possession. Samir Zulfugarov reportedly died in Semashko hospital three days after his arrest. The results of a criminal case that was said to have been initiated were unknown at the end of 1997.

61. Zakir Jabbarly and Dilgram Bairamov were allegedly assaulted in September 1997 by three employees of the passport department of Narimov district police station in Baku. The beating reportedly took place after the journalists went to the passport department to inquire about the alleged illegal registration of citizens at a hostel. Zakir Jabbarly was reportedly hospitalized as a result of the beating. Dilgram Bairamov claimed the district deputy procurator initially refused to open an investigation into the alleged beatings.

62. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1996 and 1997 regarding which no reply had been received.

63. On 25 September 1998, the Special Rapporteur, in conjunction with the Special Rapporteur on the right to freedom of expression and opinion, sent a communication concerning the beating and harassment of more than 30 journalists in Baku on 12 September 1998. The following journalists, most of them being also members of the Labour Union of Azerbaijani Journalists, were allegedly beaten by the police while they were reporting on a banned opposition rally, where the police allegedly violently dispersed a crowd of several hundred demonstrators, including: Azer Sariyev, Faiq Qazanfaroglu, Mahammad Ersoy, Ibrahim Niyazly, Anar Mammadli, Movsun Mammadov, Xaliq Mammadov, Haji Zamin, Khalig Bakhadyr, Elmir Suleymanov, Ilqar Shahmaroglu, Nebi Rustamov, Taghi Yusifov, Tahir Pasha, Tapdiq Farhadoglu, Sarvan Rizvanov, Natiq Javadli, Movlud Javadov, Kamil Taghisoy, Shahin Jafarli, Sebuhi Mammadli, Azer Qarachanli, Zamina Aliqizi, Allahverdi Donmez, Mehseti Sherif, Talekh Zafarli, Tunzale Rafiqqizi, Rey Kerimoglu, Azer Rashidoglu, Ajdar, Lachin Semra, Rasul Mursaqulov, Eldaniz Badalov, Tahir Mammadov, Elman Maliyev and Shahbaz Xuduoglu. The police reportedly attempted to break into the office building of several opposition and independent news outlets, among them the _Azadliq_ and _Chag_ newspapers and the Turan news agency.

64. By letter dated 3 December 1998, the Government indicated that on 12 September 1998 a group of about 300 persons used force against police officers on duty in an area close to a stadium where an authorized opposition rally was supposed to take place. These unlawful moves are said by the Government to have seriously disrupted public order and were therefore the object of criminal proceedings by the Office of the Procurator-General of Baku. Subsequently, 39 persons were charged. Only one of them complained of physical and psychological pressures. The Government further confirmed that the Procurator-General had received, in mid-September, letters of complaint from the news agency Turan and the Labour Union of Azerbaijani Journalists, but said that no individual had submitted any official complaint, although they had been invited to do so. The Government stated that most of the persons mentioned in the Special Rapporteurs' letter either did not complain, or indicated to the Office of the Procurator-General that the losses they had suffered during the clash with the police were negligible. However, the investigators are said to be planning to verify whether the rights of other journalists mentioned have been violated. Finally, the Government indicated that the Procurator-General had communicated to the Ministry of Internal Affairs his views on the need for urgent action to prevent the violation of the journalists' rights.

## Bahrain

### Regular communications and replies received

65. By letter dated 24 September 1998, the Special Rapporteur advised the Government that he had received information indicating that most persons arrested for political reasons in Bahrain are held incommunicado, a condition of detention conducive to torture. The Security and Intelligence Service (SIS) and the Criminal Investigation Department (CID) are alleged to conduct interrogation of such detainees frequently under torture. The practice of torture by these agencies is said to be undertaken with impunity, with no known cases of officials having been prosecuted for acts of torture or other ill-treatment. In cases heard before the State Security Court, defendants may reportedly be convicted solely on the basis of uncorroborated confessions given to political or security officials, or on the testimony of such officials that confessions have been given. Although defendants are said often to allege that their "confessions" have been extracted under torture, impartial investigations of such claims are reportedly never ordered by the Court, unless the defendant displays obvious signs of injury. Such outward displays of injury are said to be uncommon since torture victims are usually brought to trial well after their injuries have healed. Further, it is reported that autopsy reports are often falsified and doctors who provide medical attention to victims or report signs of torture are harassed and threatened by State officials.

66. Torture is also reportedly administered to force detainees to sign statements pledging renouncement of their political affiliation, to desist from future anti-government activity, to coerce the victim into reporting on the activities of others, to inflict punishment and to instil fear in political opponents. The methods of torture reported include: *falaqa*, i.e., beatings on the soles of the feet; severe beatings, sometimes with hosepipes; suspension of limbs in contorted positions accompanied by blows to the body; enforced prolonged standing; sleep deprivation; preventing victims from relieving themselves; immersion in water to the point of near drowning; burnings with cigarettes; piercing the skin with a drill; sexual assault, including the insertion of objects in the penis or anus; electrical shocks; and threats of execution or of harm to family members.

67. By the same letter the Special Rapporteur also advised the Government that he had received information on the following individuals.

68. Nooh Khalil Abdulla Al Nooh was reportedly arrested on 19 July 1998. His body, allegedly bearing physical marks of torture, is reported to have been returned to his family two days later by an official from the Ministry of Interior. Mohammed Jasim Al-Askafi was reportedly arrested on 10 June 1998 and detained at the Al-Qalá police station in Manama; he was released a few days after his arrest. He was allegedly beaten with PVC hosepipes by members of the State Intelligence Service (SIS). Mousa Jafar Mohammed Juma'a was reportedly arrested on 6 June 1998 and was currently being detained in Al-Qalá. He has allegedly been subjected to harsh beatings with PVC hosepipes, especially on the soles of his feet, by members of the SIS. Sadeq Abdul Rasool Habeeb was reportedly arrested on 6 June 1998 and was currently detained in Al-Qalá. He has allegedly been subjected to harsh

beatings, especially on the head, by members of the SIS. Ramlah Mohammed Hassan, female, was reportedly arrested on 20 May 1998 at her parents' house by members of the SIS. She was being held incommunicado at Al-Qalá. Abdul Hadi Mohammed Ali was reportedly arrested on 7 June 1998 and detained for a few days in Al-Qalá. He was allegedly subjected to torture, including electric shocks, by the SIS. Hassan Muslim Ibrahim, age 13, was reportedly arrested in June 1998, detained in the Dry Dock police station and released three days after his arrest. He was allegedly tortured by members of the SIS and was suffering from psychological shock not only because of the harsh torture he went through, but also because he witnessed the torture of his older brother and other detainees. Ibrahim Abdulla Ali was reportedly arrested on 7 June 1998, detained in Al-Qalá and released from detention a few days later. He was allegedly subjected to torture, including electric shocks, by the SIS. Mahmood Ali Abdulla Mohammed, age 17, was reportedly arrested on 7 June 1998 and was being held at Al-Qalá. Mahmood Matook Ali, age 14, was reportedly arrested in June 1998 and detained for three days in the Dry Dock police station. Tortured by the SIS, he sustained serious injuries. Nezar Al Qaree was reportedly arrested on 15 June 1998 and was being held incommunicado in Al-Qalá. Ra'ed Al Khawaja was reportedly arrested on 15 June 1998 and was being held in incommunicado detention in Al-Qalá. Seyed Abdul Sahra'a Al-Seyed Said Al-Seyed Salman, age 16, was reportedly arrested at his house on 3 June 1998, detained in Al-Qalá and released days after his arrest. He was allegedly tortured by the SIS and denied food for two days. Seyed Amin Ibrahim Ali was reportedly arrested on 10 June 1998, detained in Al-Qalá and released days after his arrest. He was allegedly tortured severely by the SIS while in detention. Seyed Fasal Seyed Adnan, age 13, was reportedly arrested in June 1998 and released from detention in the Dry Dock police station three days later. He was allegedly tortured harshly by the SIS. Shaker Muslim Ibrahim, age 16, was reportedly arrested in June 1998, detained in the Dry Dock police station and released three days after his arrest. He was allegedly tortured harshly by the SIS while in detention. Hussain Hassan Ali, age 17, was reportedly arrested on 7 June 1998 and was currently detained in Al-Qalá. He has allegedly been subjected to torture by the SIS. Abbas Jasim Mohammed was reportedly arrested on 7 June 1998 and was currently detained in Al-Qalá. He has allegedly been subjected to torture by the SIS. Faisal, Shaker, Ali, Hassan and Fardan, five brothers, were reportedly arrested by SIS agents at their home on 15 April 1998. At the time of their arrest, they were allegedly beaten, kicked and dragged by their hair in the presence of their parents. They were reportedly detained at Al-Qalá, where they were allegedly beaten with PVC hosepipes and were denied sleep and food. Ali Abd Al Hussain Al Saffi, age 16, was reportedly arrested on 26 April 1998 and detained in Al-Qalá. He was allegedly forced to stand continuously for two days and was not allowed to sleep. Ali Ahmed Jasem, age 17, was reportedly arrested on 26 April 1998 and detained in Al-Qalá. He was allegedly forced to stand continuously for two days and was then beaten with PVC hosepipes by three policemen.

69. Abdullah Ali Al Bari, age 15, was reportedly arrested on 26 April 1998 and detained in Al-Qalá. He was reportedly sexually harassed and beaten on the ears. Ali Ridha Ali was reportedly arrested on 26 April 1998 and detained in Al-Qalá. He was reportedly beaten and not allowed to use the bathroom. Jawad Al Jaziri was reportedly arrested on 26 April 1998 and detained in Al-Qalá. Witnesses are reported to have seen him dragged blindfolded and

handcuffed into the police station, where he was allegedly beaten by four policemen. Mohammed Ahmed Ali Al Mu'emen was reportedly arrested on 15 April 1998 and detained for one day at Al-Qalá. He was reportedly beaten by two policemen while being transported to the police station, then forced to stand continuously for one day and beaten with PVC hosepipes.

### Urgent appeals and replies received

70. On 24 April 1998, the Special Rapporteur transmitted an urgent appeal on behalf of Sheik Abdul-Amir Al-Jamri and his son, Sadiq Abdul-Amir Al-Jamri, the latter of whom is alleged to have been arrested on 19 April 1998 and whose whereabouts were reportedly unknown. Sheik Abdul-Amir Al-Jamri was currently said to be in detention at the Al-Qala Prison in Manama, where he had reportedly been held since his arrest in January 1998. On several occasions, Sheik Al-Jamri is alleged to have been threatened by a number of officers in an attempt to obtain from him a confession of responsibility for the unrest. The threats made reportedly included the rape of his wife and female relatives, and the arrest and torture of his sons, particularly Sadiq Al-Jamri. In its reply of 15 June 1998, the Government denied that Sadiq Abdul-Amir Al-Jamri had been arrested and stated that Sheik Abdul-Amir Al-Jamri, who is reportedly the spiritual leader of the so-called "Hizbollah-Bahrain", was detained, in accordance with the law, for his involvement in extreme acts of violence and terrorism including murder, arson and destruction of property. The Government further stated that Sheik Abdul-Amir Al-Jamriis is held in a regular place of detention where his conditions and treatment are humane and in compliance with international standards. He is accorded all his rights of welfare and visitation and he remains in good health and has access to full medication facilities, including frequent medical visits and attendance at his request at a nearby health centre.

71. On 4 November 1998, the Special Rapporteur sent an urgent appeal on behalf of the following persons. Seyed Hussain Seyed Ali Seyed Saeed, aged 16, and Sadiq Abas Daqaq, aged 15, were reportedly arrested on 5 October 1998 and were currently detained by the SIS at the Al-Qalá police station. Jasmin Jaffar, aged 16, Hussian Majeed, aged 16, Jalal Hassan, aged 16, Seyed Fadhil Seyed Ahmed, aged 17, Seyed Alawi Seyed Ahmed, Hassan Ali Khalaf, aged 16, Seyed Yunis Seyed Alawi Seyed Majeed, Shakir Ma'tuq, Shafiq Alawi and two persons having the same name, Ali Ahmed, and age, were reportedly arrested on 6 October 1998 and were said to be currently detained by the SIS at Al-Qalá. Mohammed Isa Abdulla, aged 16, was reportedly arrested in August 1998 and was said to be currently detained by the SIS at Al-Qalá. The five sons of Haj Abdul Rasool Ibrahim, Maitham, aged 17, Mohammed and Hussain Ibrahim who were reportedly arrested in August 1998, as well as Abduall, aged 17, and Ali who were reportedly arrested two years ago, were said to be currently detained by the SIS at Budayi'a centre. Ali Abdula Hussain and Zuhair Nooh Al Saeed were reportedly arrested on 4 October 1998 and were said to be currently detained by the SIS at Al-Qalá. Hamad Ali Jaffar was reportedly arrested on 4 October 1998 and was said to be currently detained by the SIS at Al-Qalá. Ebrahim Ahmed Ali and Saeed Khalil Ebrahim were reportedly arrested on 4 October 1998 and were said to be currently detained by the SIS at Al-Qalá. Hussian Jassim Mohammed, Salah Jassim Mohammed, aged 17, and Abas Jassim Mohammed, three brothers, were reportedly

arrested in August 1998 and were said to be currently detained by the SIS at Al-Qalá. Seyed Sadiq Seyed Ahmed and his brother, Seyed Saleh Seyed Ahmed, were reportedly arrested on 4 October 1998 and were said to be currently detained by the SIS at Al-Qalá. Sheikh Jaffar Al A'li was reportedly arrested on 6 October 1998 and was said to be currently detained by the SIS at Al-Qalá. Abdul Zahra Abd Ali Ahmed was reportedly arrested on 5 October 1998 and was said to be currently detained by the SIS at Al-Qalá. Seyed Jameel Abas was reportedly arrested on 4 October 1998 and was said to be currently detained by the SIS at Al-Qalá. Jaffar Abdulla Al Shamrukh was reportedly arrested on 14 August 1998 and was said to be currently detained by the SIS at Adlia prison and the Dry Dock prison. Amar Ali Hassan was reportedly arrested at the end of August 1998 and was said to be currently detained by the SIS at Al-Qalá. Madhi Ahmed Madhi was reportedly arrested on 15 August 1998 and was said to be currently detained by the SIS at a police station near Salman Harbour. Ali Al Mulla Al Abas, aged 17, was reportedly arrested on 15 August 1998 and was said to be currently detained by the SIS at a police station near Salman Harbour.

72. On 10 November 1998, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal concerning attacks on the residents of Daih village by the Security Forces, which allegedly started on 2 November 1998. According to the information received, dozens of houses were attacked and several individuals have been arrested, including: Jamil Al-Sa'af, Yousif Al-Sa'af, age 15, Saeed Ibrahim Al-Sheikh, Haitham Ali Al-Sheikh, Seyyed Hassan Seyyed Jaffer, Hussain Jaffer Haider and 15-year-old Mohammed Ali Al-Ekri. Among the houses reportedly raided was Mahdi Al-Bazaz' house, which was attacked for three days during different incidents, under the command of an SIS officer. It is believed that Isa Al-Bazaz, Mr. Al-Bazaz's 16-year-old son, Layla Mahdi Al-Bazaz, female, and Yousif Ahmad Al-Yatamab, a cousin of the family, were all taken hostage by the Security Forces. Furthermore, it is reported that Hanan Salman Haider, female, was arrested on 4 November 1998, following a dawn attack on her parents' house led by a SIS officer. It is alleged that the Security Forces launched a second attack on the same house and arrested Salwa Hasan Haider, female. It is also reported that Saeed Al-Aradi's house was also attacked and that his 19-year-old son, Amir Al-Aradi, and daughter, Maryam Al-Aradi, were detained. The Rapporteurs also reported that one of the persons released after arrest, Mona Salman Haider, female, had allegedly been tortured.

73. On 18 November 1998, the Special Rapporteur sent an urgent appeal on behalf of seven minors. Sadiq Abdula Yousif, aged 12, and the son of Mahdi Abd Alnabi Al Marzuq (his name is not known), aged 12, were reportedly arrested in Duraz in October 1998. They were said to be held in the Al Budaya Centre. The two children were severely beaten at the time of their arrest. Ayman Ali Ahmad Abdul Rasul and Imran Abdul Rasul Ali Abdul Rasul, both aged 14, and Amar Abdul Rasul Ali Abdul Rasul, aged 13, were reportedly arrested on 13 October 1998 in Ikir. Mohammed Abdul Mohsin Jassim Abdul Nabi, aged 17, and Abdul Khaliq Jassim Mohammed Yousif, aged 14, were reportedly arrested on 10 October 1998 in Ikir. The place of detention of the last five

children was not known. Two other minors, Hamid Ali Yousif and Ismael Sayed Ali Seyed Hashim, both aged 17, were reportedly arrested on 9 October 1998 in the area of Qadam, detained at the Al Budaya centre, where they were allegedly tortured and ill-treated, and then released.

74. On the same day, the Special Rapporteur sent another urgent appeal on behalf of Muhammad 'Ali Muhammad al-'Ikri, aged 17. Having been released in September 1995 after a July 1995 conviction on the charge of having thrown a petrol bomb at the police, he was reportedly rearrested at his mother's home in al-Qadam village on 1 November 1998. The reasons for his arrest, as well as his current whereabouts, were not known. He was, however, believed to be held in incommunicado detention at al-Khamis centre, south-west of al-Manama.

75. On 20 November 1998, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal on behalf of the following persons: Abbas Abd Ali Yousif, Musa Ali Yousif, Hassam Salman Al Qafas, Hussain Khalil Al Munlani, Mahmood Hassan Al Farsani and Maytham Mirza Isa. According to the information received, Abbas Abd Ali Yousif and Musa Ali Yousif were arrested in October 1998 and have been tortured and ill-treated while being detained at Al Budaya Detention Centre since their arrest. Hassam Salman Al Qafas was reportedly arrested without a warrant, on 17 October 1998, during an early morning raid at his house. Hussain Khalil Al Munlani and Mahmood Hassan Al Farsani were reportedly arrested on 9 October 1998 and their current whereabouts were not known. Maytham Mirza Isa was reportedly arrested in Qadam in October 1998 and has since then been held in Al Budaya Detention Centre. It was believed that all the above-mentioned persons were detained under article 1 of the 1974 State Security Law, which reportedly allows the authorities to detain individuals under administrative detention without charge or trial for up to three years.

### Follow-up to previously transmitted communications

76. By letters dated 8 December 1997 and 25 March 1998, the Government responded to an urgent appeal that had been sent by the Special Rapporteur on 7 October 1998 (see E/CN.4/1998/Add.1, para.24). According to the Government, Mohammed Ahmed Juma Shafi'i was currently awaiting trial after having been charged under the 1976 Penal Code. Allegations that he was held incommunicado or that he might be subjected to torture were strongly refuted by the Government, which indicated that he was detained in a regular place of imprisonment. The Government also indicated the dates on which he was visited by his family and doctors. Finally, the Government stated that no evidence of ill-treatment had been reported and no complaint made by him to the medical staff or the investigating judge.

77. By letters dated 26 January 1998 and 4 March 1998, the Government responded to a communication sent by the Special Rapporteur on 17 November 1997 (see E/CN.4/1998/38/Add.1, para 21). The Government denied the allegations of ill-treatment of Yasser Abdul Hussein Ali Sayegh during his detention in December 1996. It specified that systematic official records showed regular family visits and routine medical attendances. The Government also noted that no complaint, of any nature whatsoever, was at any time made by or on behalf of Yasser Abdul Sayegh. Furthermore, the Government denied

the allegation according to which he was hidden during a visit of the International Committee of the Red Cross (ICRC), since the latter was not present in Bahrain at that time.

### Observations

78. The Special Rapporteur is sufficiently concerned about persistent allegations of torture to have requested from the Government an invitation to visit the country (see above, para. 7).

## Bangladesh

### Regular communications and replies received

79. By letter dated 23 September 1998, the Special Rapporteur advised the Government that he had received information indicating that the detention of women in so-called "safe-custody" is a practice employed by the Bangladesh law enforcement system even though there is no basis in Bangladesh law for this form of detention. Women are reportedly placed in "safe-custody" on a judge's approval of a police application. A judge can grant an application for "safe-custody" solely on his own discretion. Frequently, this form of custody is used for women victims of rape, sexual assault, trafficking in women, and kidnapping. This practice is cause for concern as it allegedly denies women their liberty, facilitates ill-treatment and serves more as a form of punishment than as a safety provision. Women in "safe-custody" are said to be held with and treated like convicted criminals. Since there is no budget allocation to provide for women in "safe-custody", they usually have to do other prisoners' laundry in order to obtain a share of their rations.

80. By the same letter the Special Rapporteur also advised the Government that he had received information on the following cases.

81. Sajal Chakm and Bimol Jyoti Chakma, two members of the Hill Students' Council, as well as Atul Chakma and Sama Ranjan Chakma, two students, were allegedly seriously beaten by members of the Bangladesh Armed Forces while they were holding a meeting to condemn the attempted rape of four women in December 1996 by members of the Bangladesh Armed Forces.

82. Shima Chowdhury was allegedly raped at Moghdi police camp on the night of 9 October 1996. Police reportedly arrested both Shima Chowdhury and her boyfriend, Abdul Hafiz, while they were walking towards the village of Majidapura. Both were reportedly held at the Moghdi police camp until 9 October, when they were transferred to Rauzan police station. While Abdul Hafiz was sent to a cell, Shima Chowdhury was held in the office of the officer-in-charge. There, four officers allegedly raped her. The next day she was reportedly transferred to the Chittagong Medical College Hospital, where doctors saw indications of injuries on her body. On 15 October, Shima Chowdhury is said to have been placed in "safe-custody" in the Chittagong jail, the same jail in which her alleged rapists were held awaiting trial. She was reportedly held in incommunicado detention.

83. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1994, 1995 and 1996 to which no reply had been received.

## Bhutan

### Urgent appeals and replies received

84. On 31 July 1998, the Special Rapporteur transmitted an urgent appeal in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Sangay Dorji and Tenzin Dorji, who were reportedly in incommunicado detention since their arrest on 24 June 1998. They were thought to have been arrested under suspicion of being affiliated with two Bhutanese political organizations in exile, the Druk National Congress (DNC) and the United Front for Democracy (UFD). After being forced to strip to their underwear, they were allegedly severely beaten in public by members of the Royal Bhutanese Army at the time of their arrest, as well as subjected to torture during interrogation; in particular, they are said to have been subjected to *chepuwa*, i.e., having the thighs squeezed between two rods. It was believed that they were currently detained in Gomdar Samdrup Jongkhar, eastern Bhutan. It is alleged that they have not been brought before a judicial authority since their arrest, have not been charged, and have been denied access to a legal adviser (*jabmi*) and relatives. In its reply of 20 August 1998, the Government stated that Sangay Dorji was apprehended by the Gup (block headman) and Tshokpa (village committee member) of Godmar on 23 June 1998 when he came to the village to hand over money to the families of some persons who had absconded from the country and are at present in Nepal. He was subsequently released from custody on 8 July 1998. According to the Government, the allegations of torture and other forms of ill-treatment are baseless. The Government further denied that a person by the name of Tenzin Dorji had ever been arrested by the Royal Bhutan Police.

85. On 12 August 1998 the Special Rapporteur transmitted an urgent appeal on behalf of Needup Phuntsho, a class 9 school student, who was allegedly tortured following his arrest by members of the Royal Bhutan Police in Thimphu on 28 July 1998. He was reportedly being held at the Thimphu Police Headquarters. Several days after his arrest witnesses reported seeing Needup Phuntsho being dragged in handcuffs from house to house in Thimphu to identify DNC and UFD supporters. On 20 August 1998, the Government confirmed that an arrest warrant had been issued on 28 July 1998 against Needup Phuntsho, and that he was subsequently arrested on the same day for his involvement in seditious activities. He then appeared before the district court on the following day and was remanded in police custody. The Government stated that Needup Phuntsho visited Nepal four times in order to meet with anti-national leaders from whom he reportedly received money to carry out subversive activities. The Government's reply also specified that all his detainee's rights would be respected, including visits from his relatives and a lawyer of his choice. Allegations of torture following his arrest are said by the Government to be baseless. According to the Government, he was medically examined by the prison doctor on 31 July 1998 and his arrest was reported to the ICRC.

## Brazil

### Regular communications and replies received

86. By letter dated 5 November 1998, the Special Rapporteur advised the Government that he had continued to receive credible information that police routinely beat and torture criminal suspects to extract information, confessions or money. Although a law defining and penalizing torture was passed in April 1997, it is reported that no cases of torture had been successfully prosecuted by the end of 1997. The problem of police brutality and the extrajudicial killings of suspected criminals is reportedly endemic. It is alleged that uniformed police, who doubt the judiciary's ability to convict those they apprehend, often summarily execute suspected criminals, as well as young street children, rather than apprehend them. The failure to investigate, prosecute and punish police officers who commit acts of brutality and extrajudicial killings reportedly creates a climate of impunity that encourages continued human rights violations.

87. In that connection the Special Rapporteur referred to the following four separate incidents. On 12 March 1997, an amateur video captured six uniformed Rio de Janeiro police beating, torturing and extorting 12 residents - including women - of the "Cidade de Deus" neighbourhood. According to the National Association of Newspapers, police in Teresina, Piaui, detained and beat a photographer on 2 April 1997 after he photographed policeman Francisco Soares Rocha torturing 23 youths. In August 1997, a member of the Chamber of Deputies asked State authorities in Goias to investigate a report that the police tortured four persons in Aruana while investigating the disappearances of two police officers. It is reported that police in Pernambuco were alleged to have dumped a 17-year-old into a vat of chemicals, seriously injuring him, in February 1997.

88. The Special Rapporteur also reported to the Government allegations that the police use excessive force in carrying out court orders. On 20 May 1997, uniformed police killed three homeless persons and injured 11 in violence that erupted at a low-income housing project in São Paulo. The police were carrying out a court order to remove over 400 families that had illegally occupied the "Fazenda da Juta" housing complex on 3 May.

89. The Special Rapporteur also received information on the prison conditions in Brazil, which are said to remain notoriously harsh. Severe overcrowding is prevalent throughout the prison system. As a result, prison riots are a common occurrence and prison guards are reported to resort to the use of excessive force. In his letter the Special Rapporteur referred to several cases of alleged incidents in prisons.

90. The Special Rapporteur also reported that in January 1997 the Legal Medical Institute of Parana State opened an investigation into allegations of torture at a prison in Foz do Iguacu. Seven prisoners had been taken to the Institute with serious injuries, including external and internal wounds. Further, it is reported that numerous abuses continue to occur at the Carandiru Prison in Sao Paulo. In a section of the prison known as the "dungeon", prisoners are allegedly kept in isolation for months without any sunlight. Approximately 15 prison guards reportedly entered the "dungeon"

on 19 February 1997 and beat prisoners with wooden clubs and iron bars. On 29 July 1997, military police entered the Róger penitentiary in Joao Pessoa, Paraíba, to end a prison riot in which a group of prisoners had seized the warden, three guards and two fellow prisoners as hostages. Subsequent medical examinations demonstrated that seven of the eight prisoners killed had been severely beaten, had likely been tortured and had then been summarily executed, a conclusion that was reportedly accepted by the State governor. Two months later, the military police responded to another rebellion in the same facility killing one detainee.

91. By the same letter, the Special Rapporteur also transmitted the following individual cases concerning inmates at the Masmorra - Dungeon Pavilion 4, House of Detention, Carandiru in São Paulo, all of whom are reported to have been tortured on 24 January 1998. Claudemir de Macedo Cardoso and Gilmar Silva de Souza were reportedly beaten with pieces of iron pipe, wooden clubs and pieces of hard rubber by guards. Dejacir Bezerra Torres, Jorge Augusto Marcondes de Oliveira and Robson Goncalves Borges were reportedly beaten and humiliated by guards from Pavilions 4 and 6. It is reported that the guards used belts, pieces of wood and short iron pipes to beat the three men. Rogério de Oliveira Cerávolo, Luiz Antônio Simões and Ricardo Félix da Silva were reportedly beaten by guards from Pavilion 4 and other pavilions. All of the guards reportedly used iron pipes, truncheons, and leather machine belt. José Ricardo and Jerônimo de Mello were reportedly badly beaten by the guards and denied medical care. When they requested medical attention, they were threatened with further beatings. Reinaldo Correia de Alquimin and Pedro Nascimento de Araújo were reportedly beaten and tortured. Émerson Carlos Albuquerque was reportedly beaten because he had written to and conversed with the Internal Affairs Officer concerning a prior beating that had been administered to him by the guards on 16 December 1997. Osvaldo José Brito de Carvalho and Wilson Couseiro Britto were reportedly beaten with iron pipes by the guards. José Wilson Brandão and Emanuel Freire de Melo were reportedly beaten. Milton Rocha Plácido was brutally beaten on 16 December 1994 along with another 100 prisoners in Pavilion 5. The Internal Affairs Division investigated this incident following a report by the Prison Ministry and took pictures of the prisoners' cuts and bruises. Despite being sent to undergo official forensic medical examinations, not a single one of the tortured prisoners was examined by forensic doctors and no disciplinary action was taken against the guards. Cláudio P. dos Santos was also beaten and tortured by the guards. It is further reported that he has been denied medical treatment for a bullet lodged in his hip bone since he was arrested, despite the fact that the Internal Affairs Division asked that he be sent to the medical first aid station.

92. Lastly, by the same letter, the Special Rapporteur advised the Government that he had received information concerning Jefferson Sanches Caputi, reported to have been beaten by police at midnight on 6 March 1997 in São Paulo. This incident was captured on videotape. The tape shows two police officers ordering three persons out of a car. They beat him repeatedly on the soles of his feet with a nightstick. After the three men were allowed to leave, a police officer fired through the car's rear window, killing Mario Jose Josino. It is reported that 10 police officers charged with the

murder were expelled from the force and were in jail awaiting trial. However, the officer in charge of the group actually involved in the incident suffered only administrative punishment.

93. In a letter dated 26 November 1998, the Government informed the Special Rapporteur that it would reply fully concerning the cases to which he had referred, in a further communication. With respect to the conditions of detention, it recognized the existence of deficiencies in penal establishments and stated that measures had been taken in that connection. In particular, it indicated that the penitentiary of "Carandiru" would be transformed into a professional training centre for instruction and that the State of São Paulo was building new detention centres in order to expand the capacity of the system. Lastly, it indicated that the Executive had sent to the Congress in December 1996 a draft proposing changes to some provisions of the Penal Code relating to the question of alternative sentences.

### Urgent appeals and replies received

94. On 2 July 1998, the Special Rapporteur transmitted an urgent appeal in conjunction with the Special Rapporteur on the independence of judges and lawyers on behalf of Mrs. Edna Flor and Mr. Donizetti Flor, lawyers of the "Centro de Defensa dos Direitos Humanos Antoñio Porfirio dos Santos", in Araçatuba. They are believed to have received death threats from an unidentified man on the telephone on 13 and 14 June 1998, following which two handmade bombs were allegedly thrown in front of their office. These death threats may constitute a retaliation for the lawyers' denunciation of several cases of torture perpetrated by members of the civilian and military police. By a communication dated 24 July 1998, the Government acknowledged receipt of the urgent appeal, stated that the Government was monitoring developments in the case and promised that it would submit any additional information pertaining to this matter.

### Observations

95. The Special Rapporteur, on the basis of information received over the years, has solicited an invitation from the Government to visit the country (see above, para. 7).

## Bulgaria

96. By letter dated 10 November 1998, the Special Rapporteur reminded the Government of a number of cases transmitted in 1996 and 1997 to which no reply had been received.

## Burundi

### Urgent appeals and replies received

97. On 20 August 1998, the Special Rapporteur sent an urgent appeal on behalf of Gabriel Ntahondi, who was reportedly arrested on 14 August 1998 in Bujumbura. He was said to have been accused of transporting arms and maintaining contacts with armed groups. Gabriel Ntahondi was allegedly taken

to the military camp of SOCARTI, then transferred to the military camp of the third intervention unit, situated in the district of Kiriri. Since that time, he had reportedly had no further contact with the outside world.

98. On 21 September 1998, the Special Rapporteur, together with the Special Rapporteur on the situation of human rights in Burundi and the Chairman and Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal on behalf of Pascal Birari. This person had reportedly been arrested by soldiers on 30 August 1998 and was detained since at the Gatumba police station. He was said to have been denied the medical treatment necessitated by the ill-treatment he had received.

## Cambodia

### Regular communications and replies received

99. By letter dated 12 October 1998, the Special Rapporteur informed the Government that he had received information concerning Ho Chenda and Chen, two women members of the political party of Prince Norodom Ranariddh (the FUNCINPEC), probably suspected of maintaining political contacts with supporters of Prince Ranariddh in Thailand and in the Kingdom of Cambodia. They had allegedly been arrested at home, on 29 December 1997, by the Deputy Commander of military forces of the province of Koh Kong. They had reportedly been held incommunicado at the headquarters of the armed forces. After the Special Representative of the United Nations Secretary-General on the situation of human rights in Cambodia had intervened personally, they had apparently been released on 26 February 1998. They were said to have been subjected to both physical and psychological ill-treatment throughout their period of detention. No action has yet been taken against the men who detained them and subjected them to such treatment.

100. By the same letter, the Special Rapporteur reminded the Government of the cases he had transmitted in 1997 and concerning which he had received no reply.

## Cameroon

### Regular communications and replies received

101. By letter dated 3 September 1998, the Special Rapporteur informed the Government that he had received information concerning unsatisfactory conditions of detention in most of the country's prisons, and especially in those situated in isolated regions. Many prisoners were said to be living in conditions which endangered their health and even their lives. Detention centres were reported to be overcrowded, while sanitary facilities were said to be non-existent or unsuitable, with the medical care and food provided to prisoners being altogether inadequate. Many prisoners were said to be suffering from diseases such as tuberculosis or skin diseases, without receiving any medical treatment. The mortality rate in prisons was allegedly very high as a result. It was also said that violence and brutality were widespread. According to reports, prisoners were regularly beaten, especially on the soles of their feet, and subjected to the "swing" torture, which consisted in beating a person suspended from a rod with the hands tied behind

the legs. They were also said to be occasionally chained up and locked in punishment cells, where they were deprived of light, water and sanitary facilities. Any detainees who had failed in an escape attempt would be violently beaten. In addition, it was reported that women and children were often detained in the same centres as adult men, which left them particularly exposed to sexual abuse. Those bad conditions of detention did not appear to be due only to practical problems, but to be rather the result either of a deliberate policy or of negligence on the part of the authorities. The following paragraph gives an account of the individual case transmitted by the Special Rapporteur in relation to the above allegation.

102. Ebenezer Akwang, John Bah Atoh, Fon Peter Fonyam, Bika Iderisu, Wislon Che Neba, Philip Tete, Nseke Stanley Tete, Patrick Yimbu, Lawrence Fai, as well as two women, Prisca Fonyam and Grace Yaya Kwei, and 48 other persons, had reportedly all been arrested following attacks carried out by armed groups in several towns of the north-western province at the end of March 1997. Most of the persons were said to have been detained at the central prison of Yaoundé, known as Nkondengui prison, and in the main prison of Mfou. In those two detention centres, on account of overcrowding, poor conditions of sanitation and hygiene, and inadequate food and medical care, their lives were said to be seriously at risk. Six persons detained in connection with the events of March 1997 had reportedly died already, probably as a result of ill-treatment or for lack of care. The Special Rapporteur has received information from the Government concerning persons arrested in the course of the same events, who had been mentioned in a letter sent in 1997 (see paragraphs below).

103. The Special Rapporteur is still receiving information concerning the situation of a number of students arrested following student demonstrations, during which violent clashes occurred between students and security forces, especially in Yaoundé. The following cases have been notified to him in the current year: Patrick Kennedy Ikoe Natao and Patrick Asanga Nde were reportedly arrested on 26 June 1996 by members of the "self-defence" group, set up in 1996 to counter student unrest and said to be cooperating closely with the security forces. They were allegedly undressed, beaten, and then detained in different places, including the Provincial Division of the Judicial Police, and by different units, including the Special Operations Group (GSO), a special unit of the security forces. According to reports, they were subjected to electric shocks and to the "swing" torture. Christophe Ebanga Onguene, who had given rise to an urgent appeal by the Special Rapporteur dated 19 June 1996 at the time of his arrest (see E/CN.4/1997/7/Add.1, para. 44) and Alexandre Lebeau Mbaye, both students, and Israël Kuenmoé, a teacher, were reportedly arrested on 10 June 1996 by "self-defence" members and beaten. Benjamin Mvogo, a student, was reportedly chased by members of the "self-defence" group and the security forces and allegedly died as a result of beatings, especially on the stomach and chest. Apparently no official inquiry was opened into the events leading up to his death. With regard to the "self-defence" group, the Government gave a reply on the cases mentioned by the Special Rapporteur in his letter of 1997 (see the paragraphs below).

104. The Special Rapporteur also transmitted information to the Government concerning journalists, who had reportedly been ill-treated as a result of their critical attitude towards the Government. Nicolas Tejoumessie was said to have been abducted on 10 September 1996 by plain-clothed individuals claiming to be members of the security police, who allegedly beat him with an electric cable and left him. Etienne Tasse reportedly received similar treatment, on 1 December 1995. Christian Mbipgo Ngah was reported to have been taken on 26 February 1997 to the headquarters of the gendarmerie of Santa, where he was allegedly beaten for several hours, then released with no charge being brought against him. Pius Njawé was reportedly arrested on 24 December 1997, then sentenced to two years imprisonment and a heavy fine on 13 January 1998. He was allegedly being held at the New Bell central prison, in Douala, in difficult conditions. Although losing his eyesight, and despite the recommendations of an ophthalmologist, he had been reportedly denied all access to care by the manager of the New Bell prison.

### Urgent appeals and replies received

105. On 9 December 1998, the Special Rapporteur sent an urgent appeal on behalf of a journalist, Michel Michaut Moussala, who had reportedly been sentenced in January 1998 to six months' imprisonment for defamation and subsequently arrested in September 1998. His appeal was due to be heard on 23 December 1998. His health was said to be deteriorating owing to the poor conditions in which he was being held in New Bell prison. He was reportedly suffering from asthma and needed constant medical care.

### Follow-up to previously transmitted communications

106. By letter dated 22 January 1998, the Government supplied further information concerning the cases submitted by the Special Rapporteur on 1 July 1997, to which it had already replied by letter dated 5 September 1997 (see E/CN.4/1998/38/Add.1, paras. 44 to 46).

107. Concerning Roger Alexis Wamba, Armand Mbe and Blaise Ngoune, the Government stated that they had been arrested by a "self-defence" group made up of students, who therefore could not be considered public servants. The Government stated furthermore that there was nothing to indicate that they had acted with the consent of public servants. The Government added that the group had acted only to defend its rights and that the persons mentioned above had also failed in their duty to their community.

108. With regard to Pa Mathias Gwei, Samuel Tita, Zacharia Khan and others arrested following the incidents of March 1997, referred to in the Special Rapporteur's letter of the current year, the Government did not furnish any further information concerning the persons mentioned in 1997. Nevertheless, the Government indicated that all the persons arrested had received care appropriate to their condition, and had been visited by national and international human rights organizations; they had stated that they had not been ill-treated, and their only problem had been that of difficult cohabitation with other prisoners. The Government confirmed that some had started a hunger strike, which was delaying the preliminary investigation of the Military Court of Yaoundé. The Government further stated that Ngwas Richard Pomasoh had died during his detention.

### Observations

109. The Government has agreed to the Special Rapporteur's request to visit the country during 1999. The Special Rapporteur hopes that he will be able to inform the Commission of the dates for the mission when he presents this report.

## Canada

### Urgent appeals and replies received

110. On 13 January 1998, the Special Rapporteur sent an urgent appeal on behalf of Manickavasagam Suresh, a Tamil from Sri Lanka recognized as a refugee under the Convention relating to the Status of Refugees in 1991, who was reportedly scheduled to be returned to Sri Lanka from Canada on 19 January 1998. He has been detained since October 1995 under section 19 of the Canadian Immigration Act on the grounds that he represents a threat to the security of Canada, reportedly because he is an alleged member of the Liberation Tigers of Tamil Eelam. The Government replied, on 13 May 1998, that all appropriate steps, as dictated by the Canadian refugee determination system and Immigration Act and Regulations, which prohibit the refoulement of persons determined to be Convention refugees, were followed in this case. It also stated that since the protection of the health and safety of Canadians was an important objective of the country's immigration policy, it must deport persons who represent a threat to Canada. However, the Government was prohibited by the Privacy Act and the case's status before the Federal Court and Ontario Court, General Division, from releasing further information on the case.

## Chad

### Follow-up to previously transmitted communications

111. By letter dated 10 November 1998, the Special Rapporteur reminded the Government of a number of cases, which had been transmitted in 1997 and on which no reply had yet been received.

## Chile

### Regular communications and replies received

112. By letter dated 29 October 1998, the Special Rapporteur advised the Government that he had received information concerning Oriana Guillermina Alcayaga Zepeda, Roxana Paz Cerda Herrera, Magdalena de los Angeles Gallardo Bórquez, María Angélica Medina Soto, Eugenia Victoria Mellado Reyes, Flora Luisa Pavez Tobar, Pilar Alejandra Peña Rincón, Doris Magdalena Ojeda Cisternas, Margarita Elizabeth Reveco Pérez, Ana María Sepúlveda Sanhueza, Giovana Tabilo Jara, Rosa Ester Vargas Silva, all held prisoner at the Centro de Orientación Femenina (COF) (Women's Guidance Centre), at Calle Capitán Prat 20, commune of San Joaquín. Those persons had reportedly been ill-treated on Tuesday 15 July 1997 by anti-riot officials of the gendarmerie of the commune of Santiago, for refusing to be locked up in their cells. It was reported that the inmates had been beaten. The victims

lodged a criminal complaint against the chief of the Security Department of the Chile Gendarmerie, and against all Chile Gendarmerie officials involved in the events.

113. In the same letter, the Special Rapporteur reminded the Government that replies had still not been received to several cases communicated in 1997.

114. Owing to limited human resources, the Government's replies dated 29 July 1997, 25 March, 12 and 29 May and 24 September 1998 could not be included in this report but will be in the next.

## China

### Regular communications and replies received

115. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on Zhu Shengwen, former vice-mayor of Harbin, who had allegedly been detained in incommunicado detention since October 1996 at the Daoli detention centre in Harbin city. He was allegedly severely tortured in order to force a confession, on the basis of which he was then convicted of corruption and sentenced to life imprisonment on 30 April 1998. During his interrogation he had allegedly been punched, kicked and given repeated electric shocks. He was at that time reportedly suffering from hunger and thirst, diarrhoea and recurrent high fever. No investigation into the allegations of torture is known to have been carried out.

116. Concerning the situation in Tibet, by the same letter the Special Rapporteur advised the Government that he had received information concerning events that allegedly took place during the first week of May 1998 at Drapchi prison. Prisoners who showed their displeasure at seeing Chinese flags being displayed to celebrate International Labour Day were reportedly severely ill-treated and tortured by the security forces. Some are said to have died from their injuries. Since then, all the prisoners involved in the protest were allegedly being held in solitary confinement and subjected to harsh interrogation involving ill-treatment.

117. The Special Rapporteur has also transmitted information he had received on the individual cases summarized below.

118. Sangye Tenphel (lay name: Gonpo Dorjee) was reportedly arrested on 15 April 1995 with four other monks from Khang-mar Monastery in Damshung by Chinese police officials for his participation in a demonstration around the Barkhor area. He was then reportedly held in incommunicado detention. He reportedly died on 6 May 1996 while in Drapchi prison. He is thought to have been severely beaten with an electric baton and a cycle pump by two prison officials.

119. Kalsang Thutop, a monk of Deprung Monastery serving an 18-year sentence for his involvement in the 1989 Lhasa demonstrations, allegedly died in Drapchi prison on 5 July 1995. He had reportedly been interrogated for two hours the night he died, and a few hours later he was rushed to hospital.

120. Ngawang Rinchen (lay name: Tashi Delek), a monk, was arrested in 1989 for his involvement in the Lhasa demonstrations. During his detention at Drapchi prison, he is said to have been tortured and ill-treated several times. He was allegedly subjected to beatings, to shocks from an electric cattle prod, to prolonged exposure to extreme cold, to deprivation of sleep, food, water, toilet and bathing facilities, as well as medical care, to solitary confinement, forced labour and exercise for prolonged periods without rest, and forced standing for prolonged periods. He was released in 1996.

121. Ugyen Dolma, Kelsang Pelmo, Tenzin Choeden, Thupen Yonten, and another woman, all nuns from Shungseb nunnery, were allegedly arrested in May 1988 for demonstrating in the Barkhor area of Lhasa. All were reportedly tortured while in Gutsa detention centre. Electric cattle prods were repeatedly rammed in their rectums and nightsticks were thrust into their vaginas. The nuns are also said to have been beaten by police officers and bitten by savage dogs.

122. Pasang (Pasang Dawa), a monk from Dechen Sangnak monastery in Taktse county, is believed to have died on 17 December 1997 in the public welfare hospital in Lhasa after continuous torture inflicted by Drapchi prison officials. He had been arrested on 8 December 1994 by the police while undertaking a solo peaceful demonstration in Barkhor, the main market of Lhasa. He was reportedly prevented from receiving medical treatment.

123. Konchok Tsomo, a nun from Meldro Gyama county, was reportedly detained in Drapchi prison for three years, where she was denied proper treatment for her upper right arm, which had allegedly been broken during an interrogation session. After her release in June 1996, she went to a hospital for treatment.

124. Yeshe Samten (lay name: Tenzin Yeshe), a Ganden monk, reportedly died on 12 May 1998 at Trisam prison, allegedly as a result of torture and other forms of ill-treatment he sustained and which left two of his ribs broken. He had been arrested after a protest at Ganden monastery in May 1996 against a ban on the display of pictures of the Dalai Lama. He is said to have died a week after his release.

125. Ngawang Jungne (lay name: Tashi Tsering), a monk, was reportedly arrested in January 1993 after returning from India, where he had worked as a Tibetan language teacher, and is said to be serving a nine-year sentence. His mental health has reportedly become badly affected by torture and other forms of ill-treatment and long periods spent in solitary confinement. He was reportedly transferred recently to the No. 2 prison in Tibet, Powo Tramo. He is said to have lost his memory. He is reportedly not eating food nor wearing clothes.

### Urgent appeals and replies received

126. On 10 December 1998, the Special Rapporteur sent, in conjunction with the Special Rapporteurs on freedom of opinion and expression, and on violence against women, an urgent appeal on behalf of two Tibetan nuns, Ngawang Sangdrol and Ngawang Choszom, who are currently detained in Drapchi prison in Tibet. They are said to be in extremely poor physical condition, after having been subjected to harsh interrogation and ill-treatment,

including several beatings by prison officials, and placed in solitary confinement after the alleged violent suppression of prisoners' demonstrations inside Drapchi prison in May 1998. They have reportedly continued their political activities in Drapchi prison after the May 1998 incidents, which is the reason for their continuing ill-treatment and solitary confinement.

### Follow-up to previously transmitted communications

127. By letter dated 21 January 1998, the Government replied to letters sent by the Special Rapporteur on 14 July and 4 October 1995 (see E/CN.4/1996/35/Add.1, paras. 102-122), 5 July 1996 (E/CN.4/1997/7/Add.1, paras. 70-83) and 27 January 1997 (see E/CN.4/1998/38/Add.1, paras. 67-75).

128. Concerning Gyaltsen Kelsang, the Government indicated that, while serving her sentence at the Tibet Autonomous Region prison she contracted tuberculous meningitis and was released in 1994 to seek medical attention. She was treated for two months at the Tibet Autonomous Region hospital, but her condition did not improve and she died at home on 20 February 1995. The Government denied that she was confined to bed for 20 days as a result of a beating.

129. Concerning Lodroe Gyatso, the Government indicated that he is serving an 18-year prison sentence, but that he had never been beaten by prison guards.

130. Concerning Yeshi Pema and Gyaltsen Wangmo, the Government confirmed that they had been arrested on 8 February 1995, but denied the allegations that they had been beaten at the time of arrest.

131. Concerning Chime Dorje, also known as Lobsang Tudeng, Pema Tsering, also known as Lobsang Xiba and Lobsang Tsegyal, also known as Lobsang Daji, the Government indicated that there was no factual basis for the allegations that they had been suspended or beaten.

132. Concerning Champa Tsondrue and Lobsang Choezin, the Government indicated that the allegations that they were beaten while taking part in a demonstration does not reflect the facts and that they have now both completed their assignments of re-education through labour for having taken part in a movement in Lhasa that is said to have severely disrupted public order.

133. Concerning Sherab Ngawang, the Government indicated that, while undergoing re-education, she contracted nephritis and bronchitis, for which she was given proper medical care. She was released on 2 February 1995 and had never been beaten. The Government further indicated that after her release she contracted gynaecological problems and gastric perforations and died in April 1995 in a hospital in her home town, despite medical efforts to save her life.

134. Concerning Tong Yi, the Government indicated that, after having finished her re-education, she was released on 3 October 1996. The Government confirmed that while she was at the Hewan re-education camp, she complained about the conditions, but denied that the guards incited inmates to beat her.

135. Concerning Sonam Tashi, the Government indicated that in July 1993 he contracted hypertension and cardiac problems, for which he received medical treatment. After his release, he died on his way to hospital. According to the Government, he was not beaten repeatedly while in custody.

136. Concerning Jigme Gyatso, the Government denied that he was severely beaten and indicated that he was sentenced to three months' imprisonment by the Gannam People's Court on 19 October 1996.

137. Concerning Zheng Musheng, the Government indicated that while in custody he quarrelled with fellow inmates who beat him, causing severe injury to his head, brain and midriff. He was immediately sent by the guards to hospital, but efforts to save him were unsuccessful. The Government further indicated that the public security organs had now elucidated that crime and brought the perpetrators to justice. But the Government denied that he had been beaten into confession or that his mother had been interrogated, harassed and kept under surveillance by the public security department.

138. Concerning Gao Shuyun, the Government indicated that in April 1995 the public security organs stopped her from disturbing public order, but did not use force. The allegations that, as a result of her injuries from having been beaten, she could not feed herself unaided, were not true.

139. Concerning Wang Jingbo, the Government indicated that while detained he often beat up other inmates. The Government reported that on 3 December 1995 he violently attacked another prisoner, who unintentionally killed him while trying to defend himself. The Government emphasized that his death was an accident and was not caused by detention facility staff beating him.

140. Concerning Chungla, the Government confirmed that she was arrested while attempting to cross the frontier with Nepal on 8 April 1995. According to the Government, after her release she illegally left the country. The allegations that while in custody she was tortured under interrogation and lost consciousness several times were untrue.

141. Concerning Chen Londge, the Government indicated that while in Hangzhou No. 1 Re-education-through-Labour Camp he repeatedly disobeyed orders. On 17 August 1996, he leapt from the second floor and broke his right leg. He was subsequently treated in a hospital and is said to have now regained his health. The Government denied that he was ever beaten up by guards during his re-education, and indicated that his jumping from the building was entirely his own doing.

142. Concerning Lama Kyap, the Government confirmed that he was arrested on 2 July 1993, but denied the allegations that he was beaten with rods or mistreated with chemicals. He was released on 2 August 1993. The Government further indicated that the following year he illegally fled the country with his wife and daughter.

143. Concerning Tsering Youdon, the Government indicated that he fled the country in 1994 and that public security organs had never used violence against him.

144. The Government's reply also contained cases that had not been transmitted by the Special Rapporteur. Lastly, the Government indicated that, judging by the information provided to it, the remaining individuals on behalf of whom the Special Rapporteur sent letters from 1995 to 1997 appeared not to exist.

145. By letter dated 3 March 1998, the Government informed the Special Rapporteur that Jampel Tendar, a Buddhist monk on behalf of whom he had sent an urgent appeal on 7 October 1997 (see E/CN.4/1998/38/Add.1, para. 78) had been treated humanely throughout his detention and had never been subjected to torture or ill-treatment. The Government further indicated that he had been sentenced by the Shannan Prefecture Intermediate People's Court to four years for having engaged in separatist activities.

### Observations

146. While he welcomes the Government's replies, the continuing failure of the Government to extend an invitation to the Special Rapporteur to visit the country reinforces his concern about the situation in relation to his mandate.

## Colombia

### Regular communications and replies received

147. By letter dated 29 October 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

148. Marcos Bermudey, Javier Eliecer Delgado, Wilson De Jesus, Largo Guarin and Juan Jairo Usme Sanchez, all aged under 18, were stopped and searched on 5 May 1997, at Vereda la Independencia, Barrancabermeja, by eight soldiers of the Nueva Granada battalion of the National Army. They were allegedly struck on the chest; torches were flashed in their eyes and they were exposed to the rain. Later they were forced to don army uniforms and were taken to the places where they lived, where they were forced to point out houses and individuals connected with the guerrilla.

149. Estanislao Castellano Garcia, a boy, was reportedly removed from his home on 28 June 1997 at gunpoint by members of the National Army. He was allegedly obliged to carry a heavy bag, after being told that it contained dynamite, and to go to battalion premises, where he was again questioned about the guerrilla and obliged to sign papers without knowing their content.

150. Alberto Usma and another youth called Miguel were arrested on 21 April 1997 in the district of La Unión, commune of San José de Apartadó, by a paramilitary group. They were allegedly tied to posts. Miguel was said to have been killed with machetes, while Alberto Usma reportedly escaped, though wounded by several machete blows.

151. Diafanor Sanchey Celada, Luis Hernando David Huiguita and Elkin Emilio Tuberquia Sepulveda, of the hamlet of San José, were surrounded on 14 May 1997 in San José by a group of soldiers, who allegedly immediately fired at them, killing Diafanor Sanchey Celada on the spot. The other two were allegedly thrown violently to the ground, beaten and threatened with decapitation.

152. Julian Andres Valencia was taken by force from his workplace on 9 June 1997 by three members of the armed forces, who accused him of stealing an official motorcycle. Two of the members of the armed forces were said to belong to Military Intelligence attached to military district No. 20, and the third to the Technical Investigation Unit of the Prosecution Department of Popayan. On the afternoon of Wednesday 11 June, the body of Julian Andres Valencia was found in the district of Santa Barbara, municipality of Popayan, showing signs of torture.

153. Elizabeth Ascanio Bayona, aged approximately 17, was removed violently from her home on 20 July 1997 by a group of heavily armed men, who allegedly identified themselves as paramilitary groups from Abrego and Ocaña. Only 120 metres away, she was reportedly subjected to torture. She was threatened with having her throat cut if she did not disclose the whereabouts of her husband, Ramon Torrado, and her father, Adriano Ascanio Perez. As a result of the blows she had received, the young woman was admitted to the health centre with a diagnosis of a possible miscarriage. The young woman allegedly recognized one of her aggressors at the military barracks of the Santander Battalion on 23 July. Jorge Eli Ascanio, Juan Abel Ascanio, Ana Dilia Perez, Ana Elida Bayona and nine children were allegedly tortured physically and psychologically at their home by paramilitaries. At the end, before they withdrew, the paramilitaries allegedly told the family that they would return and that if they ever found Adriano Ascanio or Ramon Torrado, they would all be killed, down to the smallest child.

154. Juan Cañas, aged 80, and his wife Clara, aged 70, had their throats cut with machetes on 17 June 1997 by uniformed personnel, when they appeared at the army base in Ríogrande. The murder allegedly occurred on the same day that Ms. Gilma Rosa Duarte, their neighbour, had been hanged from a chain and tortured at her home by the same uniformed personnel.

155. José Dolores N.N. was tortured and then murdered by paramilitaries, who allegedly handed over her dead body at Vigía del Fuerte on 5 June 1997, at the request of one of her sons, who was a member of the police force.

156. Edilberto Jimenez was taken from his house on 28 May 1997 at Llano Rico by paramilitaries, who reportedly murdered him. According to reports, they took him to a stand in the central park, gave him a military haircut, tied him up and paraded him around the village, and then allegedly murdered him by his parents' house.

157. Juan Gonzalez Huber, a Dutch national, and Eduardo Herminso Guillen González, a Colombian citizen, were arrested on 14 October 1997 in a street of the municipality of Puerto Rico by members of the Cazadores Infantry Battalion No. 36 of the National Army in San Vincente del Caguán. The latter allegedly accused them of having committed the attack which had occurred that same morning in the municipality of Puerto Rico. In the course of their interrogation, the soldiers allegedly beat them, pointed a gun at their heads and threatened to kill them.

158. Jose Antonio Graciano and Jairo Graciano were forcibly removed from the area of Las Nieves at San José de Apartadó on 13 April 1997 by paramilitaries. Their tortured corpses were later abandoned in the neighbourhood of Véles.

159. Ramon Jimenez was arrested on 15 May 1997 in the area of Arenas Bajas by soldiers and paramilitaries. His dead body showing signs of torture allegedly reappeared on 21 May.

160. Jairo Massiol Cedeño, who had reportedly been arrested in the district of Nueve de Abril by a paramilitary group based in Berrancabermeja, department of Santander, was allegedly released on 17 June 1997 after being tortured.

161. Héctor Hernán Méndez and Raúl Morales were reportedly arrested on 13 April 1997 in Usme, 50 metres from the attorney's office. Their bodies were found cut to pieces and showing signs of torture.

162. José Henry Hinestroza was allegedly tortured and murdered on 27 May 1997 on the banks of the Atrato by paramilitary groups.

163. Antonio Tuberquia, his spouse Blanca Libia Guzmán and Edilberto Usuga were reportedly arrested on 19 December 1997 by armed men, presumably members of the army, in the district of La Unión, municipality of Apartadó, department of Antioquía. The three were allegedly brutally beaten and threatened at gunpoint.

164. Ariel Tovar Barón, on 3 June 1997, was reportedly forcibly removed from a public establishment in the district of Monterrey, department of Bolívar, by some six soldiers of the National Army. The victim was allegedly taken by force to the banks of the river Magdalena and tortured for two hours. On the same day, the peasant Edinson Enrique was reportedly arrested by members of the army, tied up, beaten and forced to swallow great quantities of water.

165. Benedicto Aguilar was reportedly attacked in his own home in the district of La Trinidad, municipality of Paime, department of Cundinamarca, on 17 April 1997, by five or six armed, plain-clothed members of the police force. Gerardo Alonza was also attacked. Luz Stella Criollo was allegedly forced to undress and was raped with a gun barrel.

166. Gilberto Sánchez Gutiérrez was reportedly arrested on the night of 29 May 1997 by members of the Grupo de Acción Unifícada por la Libertad Personal (GAULA) of Norte de Santander in the municipality of Lebrija. He was allegedly tortured, one method being having weapons forced into his mouth. He is currently detained in the model prison of Cúcuta. The Regional Procurator's Office acting with the GAULA is aware of these facts and has reportedly ordered a forensic medical examination of the victim.

167. By the same letter, the Special Rapporteur has reminded the Government that several cases communicated in 1997 have still not been answered.

168. Owing to limited human resources, the Government's replies dated 30 January, 3 June, 31 July and 10 November 1998 could not be included in this report, but will be in the next.

## Congo (Democratic Republic of)

### Regular communications and replies received

169. By letter dated 19 October 1998, the Special Rapporteur informed the Government that he had received information concerning the following cases.

170. Zahidi Arthur Ngoma, Ingele Ifoto, Justin Kampempe and Jean-Marie Lukundji, all leading members of Forces du Futur, had already given rise to an urgent appeal (jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of Congo) when they had been arrested by the Rapid Intervention Police (PIR) on 25 November 1997 (see E/CN.4/1998/38/Add.1, para. 86). They were reportedly taken by men of the PIR to the headquarters of the Gendarmerie, known as the "Circonscription militaire" or "Circo", where they were allegedly violently beaten. The four prisoners were said to have been transferred on 28 November 1997 to the Penitentiary and Reform Centre of Kinshasa, formerly the Makala central prison. They are all reportedly accused of infringing State security, but their trial has apparently not yet begun.

171. Emmanuel Cole, a national of Liberia, was reportedly arrested on 27 December 1997 and held in connection with the arrest of a journalist, Mossi Mwassi, who had apparently been present at the press conference held on 25 November 1997 by the Forces du Futur. Emmanuel Cole was said to have been detained at the National Security Council until 16 January 1998, at which date he was released. During his detention, he was allegedly beaten with belts and truncheons.

172. Eugène Diomi Ndongala Nzomambu, President of a political organization known as the Front pour la survie de la démocratie au Congo, and former member of Parliament and Deputy Minister of Economy and Finance in the Government of former President Mobutu Sese Seko, and his two sisters, Arlette Fula and Charlotte Ndongi, were reportedly subjected to acts of torture and other forms of ill-treatment. On the evening of 10 December 1997, a dozen members of the military police allegedly went to his house and raped his two sisters there. Diomi Ndongala was said to have been taken to different detention centres, where he was violently beaten. On 8 January, he was allegedly transferred to a hospital to be operated for acute appendicitis. According to reports, he is still detained in hospital, although no charge has been brought against him.

173. Vovo Bossongo, member of the Union pour la démocracie et le progrès social (UDPS), was reportedly arrested on 17 January 1998, with some 30 other UDPS supporters. She was allegedly arrested in the UDPS offices by the Rapid Intervention Police and the Military Police. She was said to have been taken to the headquarters of the Gendarmerie (the "Circo"). Like others who were taken with her, Vovo Bossongo was allegedly subjected to electric shocks, and released two days later.

174. Canado Lokwa, Hilaire François Mukandile Mpanya, Jena Albert Mulumba Mukoma, Denis Bibanza, Fils Mukoka, Constantin Kabongo, Jean Pierre Tshilumba Mfuamba, Pascal Kapuwa Ilunga and Jacques Kayena Lubanzadio were reportedly arrested with some 10 other persons, on 15 August 1997, while taking part in a festivity organized by the UDPS. All were said to have been detained at the Central Intelligence Agency (ACR), except for

Jacques Kayena Lubanzadio, who was reportedly detained in a centre which had belonged to the former Service d'action et de renseignement militaire (SARM). During questioning, they were all allegedly subjected to electric shocks. Although the state of health of some of them has given rise to concern, they have apparently not received any medical care.

175. Richard Mpiana Kalenga was reportedly arrested on 30 June 1997, during celebrations for the anniversary of independence, at the martyr's stadium (formerly known as Kamanyola stadium) by an army lieutenant. He was allegedly taken to the detention centre of Mont Fleury, where he was said to have been beaten with ropes and truncheons, and trodden on. It was also said that his head was held under the dirty water of an abandoned swimming pool. According to reports, his captors threatened to kill him and forced him to write a letter of repentance for causing unrest and for having contacts with opposition politicians. He was reportedly released on 2 July 1997.

Urgent appeals and replies received

176. On 17 February 1998, the Special Rapporteur sent an urgent appeal concerning 20 persons, including Mr. Nzolameso, Nganda Baramoto, M. Honoré, Commander of Ndjili airport, and M. Fukwa, UDPS member, who were reportedly detained without a judicial record for some seven months on private premises used as a detention centre for the Presidential Protection Unit, close to the Ngaliema clinic in the commune of Gombe. The prisoners are reportedly locked in a flooded cellar of the building, with no access to sanitation; there they are allegedly subjected every day to extreme physical violence. In the same urgent appeal, the Special Rapporteur referred to the case of Etienne Tshisekedi wa Mulumba, who was reportedly arrested on 12 February, around 10 p.m., at his home in the commune of Limete, by armed soldiers driving in several vehicles bearing the registration marks of the Congolese armed forces. The Government reportedly stated that he had been sent back to his native village in the province of eastern Kasaï, but nobody has seen him arrive there.

177. On 23 March 1998, jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of Congo, the Special Rapporteur, following up a communication by the latter dated 27 November 1997, sent an urgent appeal concerning Professor Z'Ahidi Arthur Ngoma, President of Forces du Futur, who was reportedly imprisoned on 25 November 1997 in the former military district of Kinshasa, then taken on 30 January 1998 to the prison of Buluwo. He was allegedly transferred on 5 March 1998 to the hospital of Likasi to receive intensive care and was said to be in a critical condition as a result of torture suffered during his detention.

178. On 24 April 1998, jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of Congo, the Special Rapporteur sent an urgent appeal regarding the situation of persons imprisoned in the cells of the Détection Militaire des Activités Anti-Patrie (DEMIAP). Some 50 people have reportedly been detained in DEMIAP jails since the beginning of March 1998. They are said to be exposed to very harsh conditions of imprisonment and to be subjected every day to inhuman and degrading treatment. The Special Rapporteurs mentioned the following persons in particular:

Yossa Malasi, a former MP, Makulo Johnny, major in the former FAZ (Zairian Armed Forces), Lisongo Liévain, former officer of the DPS, Dango Roger, former officer of the former SARM, Ngayoumou Rufin and Wawina Paul.

179. By the same urgent appeal, the Special Rapporteurs wanted to draw the Government's attention to the situation of persons close to Commander Anselme Masasu Nindaga. On 21 April 1998, after appearing twice before the National Security Council, Mr. Nindaga was reportedly arrested and imprisoned at Lubumbashi. Five other persons were reportedly transferred the same day in the same locality and were detained at the Agence Nationale de Renseignements (ANR/Katanga). The five others were Mr. Mikobi, Commander Kamwanya Bcra, Major of the former FAZ and former assistant to Commander Masasu, who was allegedly arrested on 19 April while in intensive care at Dr. Lelo's clinic, a Lebanese national, a woman and a young boy, not identified. Meanwhile, arrests were made of persons working for the Oniaphar pharmacy, whose owner is reportedly accused of having financed the escape of Arthur Z'Ahidi Ngoma, Olenganloy and Masasu. All these persons were allegedly also taken to the NAR/Katanga. All the persons mentioned above reportedly appeared before a representative of the Court of Military Order from Kinshasa and were allegedly subjected to ill-treatment for the purpose of extracting confessions.

## Cuba

180. By letter dated 10 November 1998, the Special Rapporteur reminded the Government that replies had still not been received on several cases communicated in 1995, 1996 and 1997.

## Ecuador

### Regular communications and replies received

181. By letter dated 5 November 1998, the Special Rapporteur advised the Government that he had received information concerning the following cases.

182. Victor Gonza Peña was reportedly arrested on 23 September 1996 on the international bridge of Marcará by members of the Ecuadorian army. He allegedly remained for five days in police barracks and premises, being beaten and hooded before being transferred to prison, accused of spying. He reportedly suffered a cerebral oedema caused by blows to the head. He was allegedly freed after more than a month in detention thanks to the intervention of the Peruvian Consulate in that town.

183. Julio Calle Moscol, an evangelical clergyman, was reportedly arrested on 10 December 1996 at Lago Agrio by a military patrol as he was going to preach in that town. It was said he had been released thanks to the intervention of evangelical churches after two days of questioning and torture at military premises in Santa Cecilia.

184. Andrés Pacheco Hernández, also known by the name of Víctor Andrés Anchante, was reportedly arrested on 14 April 1995 and imprisoned in Ambato prison, on charges of spying, by Ecuadorian military intelligence and police officials. He was allegedly subjected to physical ill-treatment in barracks No. 38 at Ambato.

185. Carlos Enrique Aguilar Bazán and Johnny Pérez Torres were reportedly arrested on 30 March 1997 charged with drug trafficking. They were reported to have rejected the charge before the Peruvian Consul in Machala. They allegedly complained that they had suffered physical ill-treatment at the police station of Huaquillas.

186. Samuel Jiménez Rosales was reportedly arrested, without justification, on 20 February 1995 in Huaquillas by soldiers of the Ecuadorian army. He complained that he had been ill-treated.

187. William Marquez Campos was reportedly arrested, without justification, on 7 February 1995 in Huaquillas by soldiers. He was allegedly ill-treated.

188. Angelita Morales was reportedly arrested, without charges, on 7 February 1995 in Huaquillas by soldiers. She was allegedly ill-treated.

189. Anita del Rosario Sierra Rojas was reportedly arrested on 24 September 1996 by Navy Cadets of Puerto Hualtaco and released after two hours. She allegedly suffered ill-treatment and attempted rape.

## Egypt

### Regular communications and replies received

190. By letter dated 5 November 1998, the Special Rapporteur advised the Government that he had received information concerning the use of torture, which is said to be systematically practised in Egypt. The State Security Investigations Sector (SSIS) reportedly carries out torture in its offices, including its headquarters in Cairo, and at Central Security Force camps. Torture victims are allegedly taken to an SSIS office where they are handcuffed, blindfolded and questioned about their associations, religious beliefs and political views. Torture is alleged to be used to extract confessions or information, coerce the victims to end their anti-government activities and to deter others from such activities. The various methods of torture reportedly used include stripping victims, beating with sticks and whips, kicking with boots, electric shocks, suspension from one or both arms, hanging victims by their wrists with their feet touching the floor or forcing them to stand for prolonged hours, dousing them with hot or cold water, and forcing them to stand outdoors in cold weather. Victims are allegedly threatened, insulted and humiliated, and female victims stripped, exposed to verbal and tactile sexual insults, and threatened with rape.

191. It is also reported that prison conditions are poor. Cells are reportedly poorly ventilated, food is inadequate in quantity and nutritional value, there is severe overcrowding and medical services are not always available. The use of torture is reported to be common, and relatives and their lawyers are often unable to obtain access to prisons for visits. In the Al-Wadi-Al-Jadid prison and in the maximum security prison, the "Scorpion" part of the Tora prison complex, there is reportedly widespread tuberculosis among the inmates, with inadequate medical care provided.

192. By the same letter the Special Rapporteur advised the Government that he had received information on the following cases.

193. Amal Farouq Mohammad al-Maas, and her husband, Ahmad Mohammad Ahmad al-Sayyid, were reportedly beaten in April 1993 by three officers of the State Security Investigations Department (SSI) in Cairo. Amal Farouq Mohammad was asked to go to the SSI branch at Gaber Bin Hayyan Street, where she was allegedly forced to take off her clothes. She was left suspended from a bar and repeatedly beaten by two police officers. She was then threatened with rape and was beaten severely until she agreed to sign a paper stating that her husband was hiding weapons. Her husband was reportedly tortured at the same time. Amal Farouq Mohammad Al-Maas was reportedly released a few days later, and her husband tried by a military court in May 1993, in connection with the attempted assassination of the Minister of Information, and sentenced to 25 years' imprisonment. The Special Rapporteur has also been informed that, in July 1996, Amal Farouq Mohammad Al-Maas was again subjected to torture in connection with her 1993 arrest. Her arms, back, thighs and legs were reportedly slashed with a sharp knife, she was subjected to electric shocks and was left suspended from one arm for about two hours. Her mother was said to have filed a complaint with the Public Prosecutor's Office in July 1996.

194. Waheed El-Sayid Ahmed Abdalla was reportedly arrested on 9 April 1998 by the head of the Belqas Investigation Department, along with a number of detectives, on suspicion of theft. He was reportedly held in an office located on the second floor of the Belqas Investigation Department building, where he was allegedly tortured brutally by policemen. He was allegedly whipped and beaten with sticks and the butt of a machine gun, his nails were pulled out and he was subjected to electric shock in the ears, nipples and penis, and his hands and legs were tied up. He reportedly died as a result of nervous shock. The police officers involved were reported to have been suspended for 19 days pending investigations.

195. Tamer Mohsen Ali, aged 17, was reportedly arrested on 14 November 1997 by officers of the Mansoura police station for questioning in connection with a theft. He was allegedly held for seven days in police custody, administered electric shocks in his genitals and whipped on different parts of the body. He reportedly died on 20 November 1997. His body had a wound on the head, traces of blood in the nose and bruises everywhere. The incident was reportedly registered.

196. Adem Mahmoud Adem was allegedly stopped by an officer of the Police Investigation Department and a detective in a street of Alexandria on 26 November 1996. The police officer and the detective reportedly beat him in the street, causing his artificial leg to fall off and he was reportedly dragged on the ground three metres. He reportedly died before arrival at the Coptic Hospital. The incident was said to have been recorded.

197. Waleed Zanati Shaaban was reportedly arrested on 15 December 1997 and taken to the Karmouse police station in Alexandria, where he was allegedly subjected to torture for three days by the officers. He was allegedly beaten, hung from a door and given electric shocks on several parts of the body. He reportedly died at the University Hospital on 21 February 1998.

198. Mohammed Ali Saad El-Kammar was reportedly arrested at his home on 14 February 1998 by police from the Qalyoubeya Governorate. He was

allegedly attacked, dragged outside the flat and down the stairs from the second floor, while bleeding from the nose and mouth. As a result of his treatment, he reportedly lost consciousness and died.

199. Mohammed Dahi Hemeida was reportedly arrested along with his family on 30 August 1997 by police officers and taken to the Gamaley police station. He was allegedly kept in police custody for two days, during which period he was hung from the door with his hands tied up behind his back, beaten and kicked in various parts of his body and administered electric shocks. The torture reportedly caused swelling of the lungs, a possible jaw fracture and a fracture of the right foot. The incident was said to be recorded.

200. Said Abdel-Aziz Mohammed Farrag was reportedly arrested on 4 December 1997 by a force from El-Sahel police station following a dispute. He was allegedly held five days at the police station, during which period he was severely beaten and hung from the door of the head of the investigation department. He was released on 9 December 1997. His sons, Abdel-Aziz Saeed Abdel-Aziz, and Wael Said Abdel-Aziz were arrested on 24 December 1997, by members of the same police station. During their detention, they were reportedly punched and beaten with a plastic club on the back and stomach. Notification was reportedly made of this case to the public prosecution, which was followed by their release and an investigation order. The case was said to be pending.

201. Gamal Shawki Othman was reportedly arrested on 1 June 1997 by the investigation officers of El-Waily police station after they broke into his home and attacked his mother. He was allegedly beaten in the street, on his way to the police station. He was reportedly held at the police station for 13 days, during which period he was tied to a desk. He was allegedly flogged on the feet and other parts of his body, and slapped so strongly that it caused him to bleed from the left ear.

202. Nazema Mohammed Mohammed Wagdi, Mohammed Mohammed Mohammed Wagdi, Khadra Mohammed Abdel-Wahab and Fatma Abdel-Aal Amer were reportedly subjected to torture in their home on 15 May 1997 by the police force from Al-Hamoul police station. It is reported that they sustained several severe injuries.

203. Shukri Mahmoud Farrag was reportedly arrested on 11 November 1997 by an officer of El-Gamaleya police station in El-Sagha Street. He allegedly was held in the station for seven days, during which period he was blindfolded, had his hands and legs tied, was beaten with a stick and was administered electric shocks on the toes and ears while a policeman sat on his chest. The incident was said to be recorded.

204. Ahmed Mahmoud Youssif El-Nekhely was reportedly arrested at Zagazig market on 25 May 1997 by two police officers. After having been forced to remove his clothes, he was reportedly forced to walk naked and was taken to the police station at the market. The incident was reportedly recorded.

205. Abdel-Salaam Hassan Hassan Omar was reportedly arrested on 17 September 1997 by an SSIS officer of Alexandria on the claim that he belonged to the Islamic trend within the University. He was reportedly taken to the SSIS office of El-Faraana, where he was held for nine days. During his

detention, he was allegedly deprived of sleep and food, his hands were tied behind his back, he was given electric shocks on the face, chest, ears, nipples and genitals, and spent five days in solitary confinement. He was finally released. The incident was said to be have been registered on 2 October 1997.

206. Hossam Mostafa Qotb Mostafa was reportedly arrested on 29 March 1997 from his home by a force from the Zaytoun police station, led by the head of the investigation department, who took him to the Zaytoun police station. During his detention, he was allegedly beaten and whipped with electric wires and was given electric shocks on sensitive parts of the body. He was reportedly forced to sign documents before being referred to the Zaytoun Prosecution Office, which recorded the incident. The prosecution reportedly ordered a medical examination, which found signs of injuries on the left arm and back, a small scratch below the chest and a cut on the left thigh.

207. Mohammed Abdel-Sattar Hafez was reportedly arrested at his home on 17 September 1997 by a force from the SSIS office in Alexandria and was taken to the SSIS office at Faraana. He was allegedly detained for nine days, during which period he was blindfolded and administered electric shocks on the face, nipples, thighs and lips. He reportedly had his clothes removed and his hands tied to two chairs while he was pulled from different directions. The incident was said to be recorded.

208. Magdi Abdel-Moneim Ahmed was reportedly arrested with his family on 28 September 1997 by a force from El-Sahel police station. His wife and children were said to have been released three days later. Magdi Abdel-Moneim Ahmed allegedly remained in custody and was coerced to confess to a theft that took place in the building where he lives. During his detention, his hands were allegedly tied behind his back, he was suspended from a door and his legs were whipped and beaten with a stick. He was reportedly also administered electric shocks in his ears and on his legs. As a result of the torture, it was reported that he suffered superficial wounds on arms and legs, and cuts on the right ear, left leg and all over his back.

209. Adel Ahmed Suliman Ahmed was reportedly arrested on 5 December 1996 by a force from the Agouza police station for arriving late at the police station for implementation of a probationary sentence. The police officers allegedly tore up his clothes with a knife and left him in his underwear, then put a feminine scarf on his head to humiliate him and beat him with their fists and the butts of their guns. He was reportedly then taken to the police station, where he was beaten with a rubber hose and sticks. On 7 February 1997, the same force broke into his home again, stripped him, beat him with a stick and guns, and dragged him along the ground from his home to the police car. His family is said to have made a notification to the public prosecution, which was referred to the Agouza Prosecution Office.

210. Gomaa Abdel-Aziz Mohammed Khalil was reportedly arrested on 8 June 1997 from his cafeteria on the Cairo-Alexandria road by police officers who ravaged the cafeteria and took him to Itaay El-Baroud police station to force him to work as a police informer. When he refused, he was allegedly held for three

days, during which period he was whipped on the back and beaten with fists on the face. Notification was reportedly made to the Itaay El-Baroud Prosecution Office.

211. Mohammed Mohammed Naguib Abu-Higazi was reportedly arrested on 17 September 1997 by an SSIS officer of Alexandria, accused of belonging to the Islamic Group (El-Gammaa El-Islameya). He was reportedly held at the SSIS office of Faraana, Alexandria, for nine days, during which period he was totally stripped of his clothes and administered electric shocks from a cylinder-shaped stick with a spiral metal wire. He was reportedly deprived of food for three days and was kept blindfolded throughout the entire detention period. He allegedly was also threatened by an officer with sexual assault.

212. Medhat Mohammed Zedan was reportedly arrested on 12 October 1996 and taken to El-Zawya EL-Hamra police station, following a squabble between residents of Al-Zawya El-Hamra district. He was allegedly held on the third floor of the investigation unit, where he was beaten on the back and chest with a stick, and suspended from his arms. He was also taken to the administrative room, where his hands were tied to the window and where the investigation officer allegedy gave him 30 lashes on the feet, flooded the detention room with water and ordered him to jump high. Reportedly he was not released until 20 March 1997, when his appendix burst.

213. Emad Shehata Abdel-Fattah was reportedly arrested on 30 April 1997 by police officers from Zagazig 2 police station in connection with a theft. He was allegedly taken to the station, where he received electric shocks on the hands and feet, was slapped on the face, was later kept suspended in a room called the "refrigerator" and was denied water for more than 12 hours. The torture was said to have caused him injuries and bruises on the face and feet.

214. Aysha Soudi Ibrahim was reportedly arrested on 15 June 1997 by investigation officers of El-Gamaleya police station, accused of having stolen a sum of money from a merchant of the area. When she denied the theft, an officer allegedly tied her hands behind her back, ordered her to lie down on her back and gave her electric shocks on the toes and other sensitive parts of her body. He also reportedly extinguished cigarettes on her back to force her to sign some documents about which she knew nothing.

215. Abdel-Baset Ahmed Haskab Abdel-Moniem was reportedly arrested in November 1996 by officers and detectives from the Imbaba police station and was taken to the station to be forced to work as a police informer. When he refused, they allegedly smashed the coffee house he owns, and beat him on the face. He was referred to the public prosecution, which ordered his release under the guarantee of his place of residence. However, he was allegedly taken again to the police station, where an officer tied his hands and beat him with the butt of the gun on the knees and face. He reportedly was also stripped of his clothes and placed in a room called the "refrigerator".

216. Mahammed Abdel-Lateef Mosafa was reportedly arrested from his workplace on 5 January 1997 by officers of the investigation unit of the El-Zawya El-Hamra police station and taken to the police station, accused of stealing two car mirrors. He was allegedly whipped and suspended from a window after having his hands tied behind his back.

217. Ayman Abdel-Wahid Ibrahim Marie, a lawyer, was reportedly subjected to torture in the Kafr El-Sheikh police station on 22 December 1997 while performing his duties. When he refused to leave the station, an officer allegedly insulted him, slapped him on the face and pulled his clothes. Another one then reportedly took him to a solitary confinement cell and continued to attack him. A prosecution member ordered his release and made an official report.

218. Ashraf Hashim Mohammed Gado was reportedly arrested on 8 August 1997 by an officer from the Matareya police station on the claim that he had no proof of having completed his military service. A police assistant summoned his father to the station. But when the father arrived there, the officer denied the son's presence at the station. On 20 August 1997, his father was told that his son had been taken to hospital. The family was said to have found Ashraf Hashim Mohammed Gado on a stretcher and in a coma at Matareya Hospital. On 21 August 1997, he was reportedly taken to the brain and neurology department of Demerdash University Hospital, where the medical report stated that he was suffering from acute high brain pressure as a result of a trauma on the head, partial paralysis and inability to speak.

219. Hamid Mohammed Sayid Saleh, Salim Saleh Ibrahim El-Qatami, Mostafa Sahel Ibrahim El-Qatami, Abdel-Kareem Abdel-Kareem and Hussein Eid Abdel-Kareem were reportedly arrested on 30 January 1998 by a force from the Qalyoub police station following a reported theft. They were reportedly detained and tortured for two days to coerce them to confess to the theft. They were allegedly subjected to electric shocks and kept suspended from a door with their hands and legs tied.

220. Ahmed Fouad Ibrahim was reportedly arrested on 30 January 1998 from Al-Fath Mosque, in Maadi, and was taken to the SSIS headquarters at Lazoghli, where he was held for three days. During his detention, he was allegedly stripped of his clothes, blindfolded, his hands and legs tied behind his back, administered electric shocks on his toes and penis, beaten with fists on the stomach and kidneys and with a rubber stick in various parts of the body.

221. Nasr Awad Mohmoud was reportedly arrested at his home on 13 November 1997 by members of the Koum Ombu police station, Aswan, on the claim that he possessed an unlicensed weapon, and was taken to the police station. He was allegedly held for two days, during which time he was administered electric shocks on the armpits and head, cigarettes were extinguished on various parts of his body, and he was beaten with fists and feet on the stomach and back. He was later taken to the Koum Ombu Hospital.

222. By the same letter, the Special Rapporteur reminded the Government of a number of cases that had been transmitted in 1997 to which no reply had been received.

### Urgent appeals and replies received

223. On 12 June 1998, the Special Rapporteur made an urgent appeal on behalf of Abd al-Mun'im Gamal al-Din Abd al-Mun'im, who has been in detention since 1993. His health condition, which was already poor because of kidney problems and asthma, has reportedly deteriorated seriously since he began a hunger

strike, on 10 May 1998 in protest at his five-year detention. He reportedly refused to stop his hunger strike, despite having been beaten several times. He is reported not to have received any medical treatment, and medicine brought by his family to the prison has not been delivered to him. The Supreme Military Court in Cairo acquitted him and many other co-accused on 30 October 1993, but he was not released. He was instead subjected to a new detention order the following day, and remanded in custody, initially at the High Security Prison in Tora. He was then transferred to al-Wadi-al-Gadid prison in the desert. He has been detained arbitrarily ever since, under detention orders renewed periodically.

224. On 6 August 1998, the Special Rapporteur sent an urgent appeal on behalf of Ahmad Ibrahim al-Sayyid al-Naggar, Mohammad Huda, Mohammad Hassan Mahmoud and Magid Mostafa. They have all allegedly been forcibly returned recently to Egypt by the Albanian authorities. They had reportedly been living in Albania, where they were active in an Islamist charitable organization. Magid Mostafa and Mohammad Huda were reportedly arrested at the end of June 1998 in Tirana by the Albanian police, while Mohammad Hassan Mahmoud was reportedly arrested on 16 July 1998. They had reportedly been sought by the Government of Egypt, allegedly because of their Islamist opposition activities. Since their alleged forced return, the four men are said to have been held in incommunicado detention at the headquarters of the State Security Investigations Department in Lazoghly Square, Cairo.

225. On 4 November 1998, the Special Rapporteur sent an urgent appeal on behalf of Mohammad 'Abeid 'Abd al-'Aal, an alleged member of the Islamic armed group al-Gama'a al-Islamiya. He is said to have been forcibly returned to Egypt by the Ecuadorian authorities at the end of October. He had reportedly left Egypt in 1986 and was arrested in Colombia in mid-October 1998. The Colombian authorities reportedly deported him to Ecuador on 21 October on the grounds that he had entered Colombia from Ecuador. On 31 October 1998, President Hosni Mubarak is said to have announced that he had been returned to Egypt, after the Egyptian authorities had asked the Ecuadorian authorities for his extradition. He is reported to be currently held in incommunicado detention at the headquarters of the State Security Investigation Department (SSI) in Lazoghly Square, Cairo. He is believed to be being interrogated about his activities outside Egypt and the Luxor massacre in November 1997.

226. On 4 December 1998, the Special Rapporteur sent an urgent appeal, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on freedom of opinion and expression, on behalf of Hafez Abu Se'da, the Secretary-General of the Egyptian Organization for Human Rights (EOHR). On 1 December 1998, the Higher State Security Prosection reportedly ordered his detention for 15 days. He was reportedly taken into custody immediately when he appeared as a witness in a court hearing about his organization's financing. It is believed that this case is in relation with the publication of EOHR reports on deaths in custody in Egyptian prisons and torture of Coptic Christians. His whereabouts were not known at the time the urgent appeal was sent.

### Follow-up to previously transmitted communications

227. By letter dated 26 March 1998, the Government responded to cases that were sent by the Special Rapporteur in April 1995 (see E/CN.4/1996/35/Add.1, paras. 182-210) and to a request for follow-up.

228. Concerning Midhat Ali Zahra, the Government indicated that no evidence was found to substantiate that he has been subjected to beatings at the Salloum and Matrouh police stations. The Government further pointed out that this person could not be traced and that no reports were drawn up against him at the police stations mentioned.

229. Concerning Abdul Latif Luhammad Basha, the Government indicated that no evidence was found to substantiante the allegation that criminal investigation officers from the Mahalla al-Kubra 1st Precinct had assualted him. His name could not be traced, since it had not been entered in any reports.

230. Concerning Izzat Ismail Monzie, the Government indicated that the Department of Public Prosecutions confirmed that it had found no proof of the occurence of the incident in question.

231. Concerning Imam Muhammad Imam, the Government confirmed that he and others were arrested in June 1994, but he was released the same day. The Government had not found any evidence supporting the allegation that he had been beaten during his detention at the police station.

232. Concerning Fateh El Bab Abdel Monniem Shaalan and his son Yasser, the Government further indicated, in addition to its first reply (see E/CN.4/1996/35/Add.1, para. 209), that the Southern Cairo Criminal Court had sentenced one of the defendants to a term of one year's penal servitude and suspended him for a period of three years with payment of costs, and had acquitted the other defendants.

233. By the same letter, the Government responded to cases that were first transmitted in July 1996 (see E/CN.4/1997/7/Add.1, paras. 118-123) and to requests for follow-up. The reply is summarized in the following paragraphs.

234. Concerning Khedewi Mahmoud Abdul Aziz and Mohammed Ibrahim Sayyid, the Government indicated that the registers of complaints and communications from prison inmates did not contain any allegations concerning the subjection of any prisoners to assaults or beating at the end of August 1994.

235. Concerning the prisoners of Abu Za'abal prison allegedly injured in September 1994, the Government indicated that investigations showed that there had been no unusual incidents and that prison officials did not carry electric batons as part of their equipment, as was alleged. No complaint had been filed in this connection and no mention of the prisoners allegedly injured had been found in the registers of the prison hospital.

236. Concerning Nasr Ahmad Ali El-Sayyed, the Government indicated that no reports had been filed at Fayyoum prison and that no evidence supported the allegation. The Government further specified that he had not attended the clinic or the prison hospital for treatment.

237. Concerning Abdul Latif Idris Ismail, the Government indicated that the Southern Cairo Public Prosecutor had not found any reports or complaints concerning this person. But, the Government confirmed his arrest and further indicated that his case was still pending before the court. It denied that he was beaten during his detention at the police station.

238. With respect to the case of 51 individuals arrested in the villages of Zayida, Ousim and Giza, in December 1993, to which the Government first replied in December 1995 (see E/CN.4/1997/7/Add.1, para. 135), the Government further indicated that the criminal court had heard the case and, on 26 May 1997, acquitted all the defendants appearing before it in view of the conflicting statements of the witnesses and the contradictory statements of the victims.

## Observations

239. The Special Rapporteur's concerns, as expressed in previous reports (see, for example, E/CN.4/1998/38, para. 93 and E/CN.4/1997/7, para. 73) remain applicable and indeed are reinforced by the continuing unwillingness of the Government, despite earlier encouragement (as reported to the Commission last year: see E/CN.4/1998/38, para. 93) to invite him to visit the country.

## El Salvador

240. By letter dated 10 November 1998, the Special Rapporteur reminded the Government that no replies had been received to several cases communicated in 1996.

## Equatorial Guinea

### Regular communications and replies received

241. By letter dated 5 November 1998, the Special Rapporteur advised the Government that he had received information concerning the following cases.

242. Norberto Esonon, member of the Progress Party (PP), was reportedly arrested in May 1996 by three guards of the Niefang police station for refusing to join the Partido Democrático de Guinea Ecuatorial (PDGE), which was in power. When they arrested him, the three guards allegedly beat Norberto Esonon with their rifle butts in the head and caused injuries all over his body, in addition to fracturing an arm and a leg. As a result of the beatings, Norberto Esonon passed blood in his urine for days afterwards.

243. Amancio Gabriel Nse, one of the leaders of Convergencia para la Democracia Social (CDPS), was arrested in March 1996 by guards, who took him to the Bata police station in the region of Río de Muni. At the station, they

allegedly beat him with a high voltage cable all over the body and on the feet. As a result of the beatings, Amancio Gabriel Nse was unable to walk for days.

244. César Copoburo was arrested by the authorities of Basacato on 5 February 1998 after giving himself up. He was then allegedly tortured by the Basacato guards. As a result, César Copoburo suffered a fractured foot, but received no medical care.

245. Salvador Ndong Mba, a soldier, and 10 other soldiers were arrested in July 1996 accused of plotting to overthrow the Government. Before being tried and all sentenced to between 2 and 12 years' imprisonment, they were violently beaten. Subsequently, when the Special Rapporteur on a situation of human rights in Equatorial Guinea was able to visit Salvador Ndong in December 1996 in prison, unhealed wounds were still visible on the feet and marks on the wrists, which showed that he had been tortured by being hung up by the arms. As a result of the treatment he had experienced, Salvador Ndong allegedly had difficulty walking and moving his arms.

246. Gaspar Oyono Mba died of internal haemorrhage in June 1993, four days after having been arrested by the Nsok-Nsomo police. During his detention, he was allegedly tortured by the police.

247. Reginaldo Bosio Davis, Dominic Effiong Ibong, a Nigerian, "Mancanfly", Rubén Mosebi Biacho, Remigio Mete, Atanasio Bita Rop, David Sunday Nuachuku, a Nigerian, Norberto Biebeda, Bienvenido Samba Momesori, Leoncio Kota Ripala, Alejandro Mbe Bita, Emilio Rivas Esara, Ramón Riesa Malabo and Epifanio Moaba Babo, Guillermo Salomón Echuaka "Alex" and Raimundo Errimola were reportedly arrested together with some 500 other persons on the island of Bioko, between 21 January and the middle of February 1998. Most of those arrested belong to the Bubi tribe. These 15 persons were tried in Malabo, between 25 and 29 May 1998, and sentenced to death on 1 June 1998. During the trial, they alleged they had been tortured to produce confessions, but their allegations were rejected, despite the fact that the judge was reportedly able to observe the fractured feet and hands of the prisoners, and the way their ears had been cut. The women prisoners had also allegedly suffered equally degrading treatment and some had allegedly suffered sexual abuse, including rape in the presence of husbands and relatives.

## Urgent appeals and replies received

248. On 27 January 1998, the Special Rapporteur transmitted an urgent appeal regarding the arrest of members of the Bubi tribe following the attack on the military barracks of Luba, Moka and Bahó Grande on 21 January, according to the Government by members of the illegal Movimiento para la Autodeterminación de la Isla de Bioko (MAIB). Those arrested include Victor Buyaban, a teacher, and his spouse, arrested in Malabo on 21 January and beaten. Juan Loeri, Carmelo Iriri, Marcelo Lohoso (MP for the Partido Democrátio de Guinea Ecuatorial) and Cristino Meda Seriche (until recently Director of the Prime Minister's office) were reportedly arrested on 22 January, also in Malabo. Aurelio Losoa, Florencio Sicoro and Anastasio Copobone were reportedly arrested in Rebola. All of them were allegedly taken to the Malabo police station.

## Ethiopia

249. By letter dated 10 November 1998, the Special Rapporteur reminded the Government of a number of cases that had been transmitted in 1997 to which no reply had been received.

### Urgent appeals and replies received

250. On 21 August 1998, the Special Rapporteur sent an urgent appeal on behalf of Dr. Taye Woldemasayat, who was the leader of the Ethiopian Teachers Association (ETA) and has been detained since June 1996, when he was charged with armed conspiracy. On 28 July 1998, it is reported that the judge overseeing his case ordered that he be held in hand-chains for 24 hours a day until his next court appearance on 15 September. He has also allegedly been placed in a so-called "darkness" cell, which lacks natural daylight, but which has constant electric light. On 28 September 1998, the Special Rapporteur sent a new urgent appeal on his behalf. According to the information recently received, he was still held in hand-chains and in a "darkness" cell. In a letter dated 30 September 1998, the Government stated that he was neither being held in hand-chains, nor in a "darkness" cell. The Government further stated that his case was pending before the Federal High Court of Addis Ababa and that his right of legal defence through the court was well protected by the Constitution.

### Follow-up to previously transmitted communications

251. By letter dated 9 January 1998, the Government responded to an urgent appeal sent by the Special Rapporteur on 28 November 1998 (see E/CN.4/1998/38/Add.1, para. 130). The Government indicated that all the persons mentioned had been detained on the basis of warrants of arrest duly issued by the court because of their alleged involvement in terrorist acts and that consequently they were now on trial before the competent court of law, in accordance with due process of law. The Government further assured the Special Rapporteur that allegations that they might be subjected to ill-treatment were without any basis whatsoever.

## France

252. By letter dated 10 November 1998, the Special Rapporteur reminded the Government of cases notified in 1996, to which no reply had been received.

### Observations

253. The Special Rapporteur notes the conclusion of the Committee against Torture that it is concerned about "sporadic allegations of violence committed by members of the police and gendarmerie at the time of arrests of suspects and during questioning" (A/53/44, para. 143).

## Gambia

### Regular communications and replies received

254. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

255. Large groups of United Democratic Party (UDP) supporters were allegedly assaulted on 22 September 1996. The assaults were reportedly carried out against opposition supporters participating in political rallies on that day, the last Sunday before the Presidential election. At a UDP rally in Lamin, soldiers reportedly arrived by truck and beat groups of UDP supporters with fists, cutlasses and boots. At Denton bridge, members of the military allegedly stopped vehicles containing some 100 to 200 opposition supporters, forced them to lie face down and beat them with sticks and other weapons. Some of the opposition supporters were then taken to Atlantic Barracks in Banjul and kicked, whipped and beaten again. Three people are reported to have later died as a result of their ill-treatment.

256. Yaya Drammeh reportedly died in custody, apparently as a result of torture in May 1997. He had reportedly been held at Mile Two prison in Banjul since November 1996. He was reportedly brought to the hospital three days before his death. Neither an autopsy nor an investigation into the allegation of torture are said to have been carried out.

257. Sarjo Kunjang Sanneh (female), Wassa Janneh, Dembo Sanneh, Yusupha Cham, Dudu Sanyang, Ansumana Bojang, Bolong Sanneh and Momodu Nyassi were allegedly tortured on 11 June 1997 at the National Intelligence Agency headquarters in Banjul. Members of the Police Intervention Unit reportedly arrived at a UDP gathering in the "Santangba" cinema hall in Brikama on 8 June 1997, and took several of the individuals named above to Brikama police station. The next day members of the Police Investigation Unit reportedly went to the homes of the others and directed them to come to the Brikama police station as well. At the police station all above-named persons were placed under arrest and were eventually transferred to the National Intelligence Agency headquarters in Banjul. They were allegedly tortured on the night of 11 June 1997 by six staff sergeants of the Presidential Guard and an operations officer of the National Intelligence Agency. The alleged torture included whipping, beating with iron batons and spraying cold water on the victims, who were told to stop supporting the opposition party and that their lives would be in danger if they reported the incident. While in custody the detainees were allegedly denied medical treatment and visits from their families, and they slept on the floor. They were released on 13 June 1997. Despite a statement issued by the Attorney-General about the decision to investigate this allegation, no investigation is known to have been carried out.

258. Yaya Sanneh, a UDP member, was allegedly brutally arrested at his home in Bambali on 27 July 1997. He was reportedly arrested for having discussed a military attack which had taken place a few days earlier at the military base of Kartong. He is said to have been severely beaten by the arresting soldiers, at the time of arrest and during his transfer to Farafenni police station. On the day he arrived, the officer commanding the police station is

said to have ordered that he receive medical treatment, and he is said to have consequently been referred to the Royal Victoria Hospital in Banjul. Later, the army categorically denied reports of ill-treatment.

### Urgent appeals and replies received

259. On 11 June 1998, the Special Rapporteur transmitted an urgent appeal on behalf of Lamin Waa Juwara, a former member of Parliament, who was allegedly arrested without a warrant at his home in Brikama on 18 May 1998 by armed security officers wearing uniforms. The armed men are reported to have dragged him into a vehicle waiting outside and taken him to an unknown destination. He was believed to be currently held at the Mile Two prison in Banjul. It is alleged that he has been tortured during his detention, reportedly resulting in a fracture to his right hand and other injuries to his body.

## Georgia

### Regular communications and replies received

260. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on the following two cases. The Government responded to these cases by letter dated 7 September 1998.

261. Revaz Gogeshvili was allegedly beaten by police officers in an effort to extract a confession. He was reportedly detained on 17 August 1997 in connection with a murder and reportedly punched and struck with truncheons on the head and soles of his feet by officers of the Sixth Police Department in Kutaisi. The Government confirmed that Revaz Gogeshvili complained about his unlawful detention and ill-treatment to the Chairperson of the Parliamentary Subcommittee on the Penitentiary. But, the Government indicated that medical examinations showed that he had not been subjected to any form of ill-treatment, which led the Kutaisi Procurator's Office to reject criminal proceedings against the incriminated police officers. Nevertheless, the Imereti Land Prosecutor's Office considered that some essential facts had not been examined, and therefore, returned the case to the Kutaisi Procurator's Office for further information.

262. Nika Svanadze, Georgi Khonelidze and Seva Gotsridze, all journalists, were allegedly beaten in August 1997 by police officers from the Second Police Department in Kutaisi. The police were reportedly attempting to force the men to confess to a robbery the officers were under pressure to solve. The Government indicated that the Kutaisi Procurator's Office undertook an investigation, during which Nika Svanadze and Georgi Khonelidze declared that they had been put under pressure and verbally insulted. Later, they nevertheless denied having been the subject of physical and verbal abuse by the policemen. A medical examination performed by the Regional Bureau of Expertise confirmed the inexistence of physical abuse. The Government further informed the Special Rapporteur that on 17 March 1998 the Kutaisi Procurator's Office issued a resolution not to institute any criminal proceedings in this case. This resolution was currently being studied by the Procurators General's Office, in accordance with the law.

263. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 regarding which no reply had been received (see below).

264. By letter dated 2 October 1998, sent in conjunction with the Special Rapporteur on freedom of expression and opinion, the Special Rapporteur advised the Government that he had received information on Constantine (Kote) Vardzelashvili and Giorgi (Gogi) Kavtaradze, two Georgian journalists for the non-governmental Liberty Institute in Tbilisi, who were beaten and threatened by the police on 21 September 1998. After their unsuccessful attempt to interview the Head of the Special Police Unit concerning a previous incident, they were allegedly threatened and beaten by the police and taken to the police station of Chugureti District. On the way there, the two journalists were allegedly beaten and threatened with being sexually assaulted by three policemen. By letter dated 26 November 1998, the Government sent a preliminary reply confirming that they had complained to the Chugureti District Prosecutor's Office that they had been subjected to physical pressure. According to the Government, an investigation by the Prosecutor General of Georgia had commenced.

### Follow-up to previously transmitted communications

265. By letter dated 7 September 1998, the Government responded to cases that had been sent by the Special Rapporteur in February 1997 (see E/CN.4/1998/38/Add.1, paras. 134-136).

266. Concerning Badri Zarandia, Gurgen Malania, Karlo Jichonaia, Gabriel Bendeliani and Murtaz Gulua, the Government confirmed that they had been arrested in September and October 1994 and, in June 1996, had been found guilty of the charges retained against them. The Government further indicated that their statements that they had been put under physical pressure had been scrupulously studied by the court, which had finally concluded that no illegal methods had been used against them.

267. Concerning Giorgi Korbesashvili, the Government indicated that in June 1997 he had been found guilty by the Supreme Court of Georgia. It further confirmed that during his trial he stated that he was ill-treated by the police. According to the investigation, he attempted to escape from the police station by jumping through a window pane, which caused his cut wrist. He was taken to the Prison Hospital where he was provided with medical treatment. The Government also indicated that, according to a 1995 psychiatric examination, a brain trauma that had occurred in 1990 had resulted in his tendency to injure himself. After having examined his case, the court definitely denied the existence of illegal pressure.

## Germany

### Follow-up to previously transmitted communications

268. By letter dated 1 April 1998, the Government responded to cases that had been sent by the Special Rapporteur in November 1997 regarding alleged ill-treatment of foreigners by Länder police authorities and the Federal Border Guard (see E/CN.4/1998/38/Add.1, paras. 137-142).

269. Concerning Abdennour Medjden, the Government indicated that in two instances in the first semester of 1996 the authorities had tried to deport him to Algeria. He is said to have violently resisted and to have complained about ill-treatment by the officers of the Federal Border Guard involved in his deportation. The Government further indicated that his current whereabouts were unknown.

270. Concerning Sefer Avci, the Government indicated that there was no substantive evidence to conclude that he had been physically ill-treated during his arrest by police officers of Frankfurt-am-Main.

271. Concerning Sahhaydar and Hatice Yildiz, the Government indicated that the investigations by Public Prosecution Office I at the Berlin Regional Court did not produce sufficient evidence of criminal ill-treatment by the police officers. But, the above-named persons are said to have offered considerable resistance at the time of their arrest, which explained why they had sustained minor injuries.

272. Concerning Dr. Waldemar Kalita, the Government confirmed that, because he resisted Federal Border Guard officers, he was pulled out of his car and handcuffed by them, but was neither punched, nor beaten with a truncheon. As further clarification of the facts after a long investigation was not possible, the proceedings had finally been discontinued, pursuant to the Code of Criminal Procedure.

273. Concerning Ahmet Delibas, the Government indicated that in order to defend himself while caught in a fight, a police officer used an irritant spray device which caused injury to Ahmet Delibas. After having been searched at the police station, he was taken to a hospital on the instruction of the police doctor and received medical treatment there for several face injuries. According to the Government, the police officer who arrested him admitted that he had hit Ahmet Delibas several times in the face during the journey, as he had put up quite a fight to defend himself. After extensive investigations, the Dortmund Public Prosecution Office issued an indictment on 26 August 1996 at Dortmund Regional Court against the two arresting police officers for joint physical injury perpetrated during the performance of official duties to the detriment of Ahmet Delibas. In the judgment of Hamm Local Court dated 16 May 1997, one of the police officers was sentenced to a fine for negligent physical injury, the court having found that he had hit Ahmet Delibas several times during the journey. This police officer has lodged an appeal. The other defendant had been acquitted, since his participation in causing the injuries had not been proved.

274. By the same letter, the Government gave additional information on cases to which it had first responded in August 1996 (see E/CN.4/1997/7/Add.1, paras. 168-171) and on which the Special Rapporteur had asked for further information (see E/CN.4/1998/38, para. 103).

275. Concerning Ali Abdulla Iraki and Taha Iraki, the Government indicated that the facts of the case could not be clarified owing to significant contradictions in the statements from the different parties. The Government added that the length of time that had elapsed (for which the investigating

authorities were not responsible) meant that the clarification of the facts of the case now seemed even more impossible than it did at the beginning of the investigations.

276. Concerning Hidayet Secil, the Government denied the allegation that the investigations had not been conducted impartially. The Government also indicated that the statements of the police officers regarding the alleged event of July 1995 was consistent with other findings, in particular with the medical certificates. In accordance with the results of the investigations, which, according to the Government, had also been accepted by Hidayet Secil since he expressly refrained from lodging a remedy, there were no reasons to believe that the police officers involved used force which, in type and degree, exceeded what is permitted either under the provisions of police law in Baden-Würtemberg, or provisions on self-defence and giving assistance when required.

277. Concerning Bynyamin Safak, the Government indicated that the Public Prosecution Office at Frankfurt-am-Main Regional Court had preferred an indictment against the two incriminated police officers. But, no decision had yet been made regarding the opening of the main proceedings.

278. Concerning Azad Kahn Fegir Ahmad, Noorol Hak Hakimi and Mohammed Nabi Schafi, the Government indicated that the Leipzig Public Prosecution Office had initiated investigation proceedings against seven of the police officers involved in the June 1995 operation on suspicion of causing physical injury during the performance of their official duties. The investigation proceedings were discontinued on 1 April 1996. No disciplinary measures were taken against them.

### Observations

279. The Special Rapporteur notes the concern of the Committee against Torture "at the large number of reports of police ill-treatment, mostly in the context of arrest, from domestic and international non-governmental organizations in recent years, as well as at the conclusions of the study entitled 'The Police and Foreigners', commissioned by the Conference of Ministers of Internal Affairs in 1994 and presented in February 1996, to the effect that police abuse of foreigners is more than 'just a few isolated cases'" (A/53/44, para. 186).

## Guatemala

### Regular communications and replies received

280. By letter dated 29 October 1998, the Special Rapporteur advised the Government that he had received information concerning the following cases.

281. Martín Pelicó Coxic, of San Pedro Jocopilas, a member of the "Runujal Junam" Council of Ethnic Communities (CERJ), was reportedly kidnapped, tortured and executed in June 1995. A military commissioner and two members of the Civil Defence Volunteers Committees (CVDC) were arrested on suspicion of having committed the torture and execution. Later, in July 1996, the judge in charge of the case allegedly released them for lack of evidence.

282. Estuardo Vinicio Pacheco Méndez, a journalist at Radio Sonora, was kidnapped on 28 February 1996 and tortured by armed men. His attackers reportedly released him with a warning to other journalists. Vinicio Pacheco Méndez was forced to flee the country after receiving repeated threats.

283. Mario Alioto López Sánchez was shot in the leg and taken away on 11 November 1994 by security forces, including agents of the Immediate Reaction Force, on the campus of the University of San Carlos. The agents had apparently entered the university campus in order to break up a demonstration, firing on the students with automatic weapons. Dozens of students were reportedly wounded. Mario Alioto López Sánchez died in Roosevelt Hospital.

284. In the same letter, the Special Rapporteur reminded the Government that several cases communicated in 1997 had remained unanswered.

## Guinea-Bissau

### Regular communications and replies received

285. By letter dated 21 September 1998, the Special Rapporteur advised the Government that he had received information on 16 people who were allegedly tortured in a military barracks known as the Air Base, on the outskirts of Bissau. All were reportedly arrested between December 1997 and February 1998 on suspicion of arms smuggling on behalf of the Mouvement des forces démocratiques de Casamance. They were reportedly beaten soon after they were arrested. They were allegedly forced to lie face down and were hit with truncheons. The detainees said that they were no longer being tortured, but some allegedly sustained injuries for which they did not receive medical treatment.

## Haiti

286. By letter dated 10 November 1998, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 regarding which no reply had been received.

## Honduras

### Regular communications and replies received

287. By letter dated 29 October 1998, the Special Rapporteur advised the Government that he had received information concerning Marcos Omar Madrid Reyes, who had reportedly been brutally beaten on 26 January 1998 in Tegucigalpa, during a peaceful demonstration to express solidarity with Honduran victims of deportation by agents of the COBRA Special Squadron of the Public Security Force (FSP), under the command of Lieutenant Colonel Luis Alonso Reyes Barahona. He allegedly suffered serious injuries to the head, which seriously endangered his life. On the same occasion, Manuel de Jesús Ramírez Zelaya, Hermes Ramírez Zelaya, Carlos Antonio Rivera, José Concepción Zúñiga, Joel David Lagos and Cesar Augusto Gómez were reportedly arrested and beaten, as a result of which they suffered severe wounds.

288. Owing to limited human resources, the Government's reply dated 17 November could not be included in this report, but will be in the next.

## Hungary

### Follow-up to previously transmitted communications

289. By letter dated 10 November 1998, the Special Rapporteur reminded the Government of one case transmitted in 1997 regarding which no reply had been received (see E/CN.4/1998/38/Add.1, para. 159). By letter dated 9 December 1998, the Government responded that two in-depth investigations had been carried out in István Nagy's case by the competent public prosecutor's office. After an appeal, the Chief Public Prosecutor's Office of Budapest decided to terminate the investigation for lack of sufficient evidence provided by István Nagy.

## India

### Regular communications and replies received

290. By letter dated 11 November 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

291. Sucha Singh was reportedly taken into custody by a group of Punjab police officers on 1 September 1997. He was reportedly taken to the Central Intelligence Agency (CIA) Staff Office in Jalandhar where he was allegedly ill-treated and tortured by several police officers. Police officers reportedly stretched his legs apart, hung him upside-down from the roof, and repeatedly tortured him. He was reportedly released on the same day after prominent residents of his village intervened. On the day of his release, he reportedly complained to two members of the Punjab Ministers' Cabinet, who did not register his complaint.

292. Nisha Devi, an 18-year-old married woman, was reportedly tortured in her house in Uttar Pradesh on 13 July 1996 by several police officers who were said to be looking for her older brother-in-law. They allegedly threatened to take her and her 13-year-old sister-in-law to the Bakewar police station by forcing the two women into their jeep. When the two women resisted, police officials allegedly ripped the sari from Nisha Devi's body and one officer pinned her to the ground. Her feet were allegedly beaten with a wooden baton and she was kicked on the vagina. The police reportedly left the village when other residents intervened, but allegedly threatened Nisha Devi with rape if she submitted a complaint. She nevertheless reported the incident to the Superintendent of Police on 15 July 1996. The following day, she was examined by a doctor who is believed to have confirmed injuries to her legs and spine as a result of this incident. Only one of the four police officials said to have been involved has reportedly been arrested. Local police officials are believed to have placed pressure on Nisha Devi and her husband to withdraw her complaint.

293. Debu Pramanik reportedly died in the custody of the West Bengal police on 12 July 1996 after being taken into their custody on 9 July 1996. The police allegedly refused permission to his wife to visit him while in

detention and did not register his arrest. On 11 July 1996, Debu Pramanik was said to have been taken to the sub-divisional judicial magistrate's office, where the assistant superintendent sent him for medical treatment since he was unable to stand or walk. However, the police reportedly did not take him to a doctor, and he was released on bail on 12 July. His wife is said to have attempted to take him home, but he was pronounced dead by a doctor 35 minutes after his release. The post-mortem report from the Imambara hospital morgue supposedly found a number of injuries on his body, including burn marks, bruises and swellings. Investigations carried out by the West Bengal Human Rights Commission (WBHRC) is said to have recommended the criminal prosecution of the officer in charge of the Chinsurah police station, as well as departmental proceedings against two other officers. To date, no action is said to have been taken against the police officers.

294. Kanjugam Ojit Singh, a 15-year-old student from Manipur, was reportedly arrested on 16 February 1997 by members of the 57th Mountain Division of the armed forces on suspicion of having links with an armed opposition group. He was then allegedly handed over to the police on 19 February 1997 and kept in incommunicado detention. Late in the evening, his condition supposedly deteriorated and he was taken to hospital, where he died the next day. An inquest is said to have found several injuries on his body. Following a public outcry over his death, a judicial inquiry is said to have been established on 21 February 1997. In March 1997, the central government filed a petition in the Guwahati High Court to challenge the right of the government of Manipur to order a judicial inquiry into the death of Kanjugam Ojit Singh. The central Government argues that under the Constitution the state government did not have the authority to order a commission of inquiry into the conduct of armed forces personnel deployed in a civil power. In its petition, the central Government is also reported to have argued that there was no need for an inquiry since Kanjugam Ojit Singh sustained a "sprained leg", while being chased by armed forces personnel, and that he had been provided with medical treatment, but the petition is said to give no explanation for his subsequent death.

295. Rajesh, a 14-year-old ragpicker, was said to have been forcibly dragged into a jeep by several policemen in Trivandrum, Kerala, on 26 May 1996. No reasons were reportedly given for his arrest. The police officers allegedly began beating him in the jeep and continued at the police station. His mother reportedly went to the police station, but was threatened against taking any action to secure her son's release. On 3 June, Rajesh's mother filed a "search petition" before the High Court, and the judicial magistrate is said to have ordered a lawyer to search for Rajesh at the police station. On 7 June, police from Thiruallom station reportedly produced Rajesh before the court of Vanchiyoor and claimed that he had been arrested on 6 June 1996 on a charge of theft. The Court reportedly sent him to the juvenile wing of Poonjapura Central Prison, from where he was released on bail on 10 June 1996. On his release, he was reportedly admitted to the Government Hospital in Trivandrum for treatment of his injuries, allegedly sustained while in police custody. The police had allegedly pierced pins through his nails, banged his head against the wall, forced him to sit on an imaginary chair for long periods and beaten the soles of his feet. To date, no inquiry is said to have been ordered.

296. Phanjouban Boboy, aged 7, Khunumayum Joychandra, aged 9, and Samjetsabam Joykumar, aged 10, all three from Andro Loupauchum Leikai, Manipur, are said to have been sexually abused on 22 July 1998 by an unidentified man in military clothing from the 17th Rajputana Rifles (RR) of the Indian Army. On 23 July 1998, the villagers reportedly filed a complaint to the camp commander of the 17th RR and registered the case at the Yairipok police station. On 24 July, the case was reportedly brought to the Manipur State Legislative Assembly. On the following morning, a lieutenant colonel of the Indian Army is reported to have visited the RR camp at Andra and held a meeting with local people in order to convince them to drop this case. He allegedly refused to ensure that the military man in question would be prosecuted in accordance with the army's rules. On 29 July, the army Staff Court of Inquiry reportedly began an investigation of this case. It is alleged that since the three children could not properly express themselves because they do not speak English, the Staff Court of Inquiry reportedly decided on 22 August 1998 that the children had not been sexually abused by a member of the army.

297. Devki Rani was reportedly taken by the police from a civil hospital in Ludhiana, where she was visiting her husband on 5 May 1995. In the Atam Park police post, she was allegedly stripped naked, and had her legs stretched apart while her hands were tied behind her back. Several police officers, including the Head Constable, allegedly tortured and molested her. Her head was reportedly dipped in water several times. She was allegedly kept in confinement for three days before being released on 11 May 1995. A petition in the High Court by the International Human Rights Organization in Punjab is said to have been filed, and consequently, an inquiry is said to have been ordered.

298. Nana Kaur, a woman from Jammu and Kashmir State, was reportedly taken into custody by Punjab State police of the Gurdaspur district in January 1998. The Punjab police are said to have entered another Indian State to seize and interrogate her on the whereabouts of a relative, who was allegedly involved in an armed opposition group campaigning for an independent Sikh State. She was allegedly beaten before her release.

299. Hidiyat-ul-Rashid was reportedly arrested at his home in Natipora, Jammu and Kashmir State, on the night of 29/30 March 1998 by members of the 13th Garhwal Regiment of the Indian Army. He is said to have been tortured while in detention. He was reportedly released on 4 April 1998 and received medical treatment in a civil hospital in Pulwama for the injuries he allegedly sustained. The reasons for his arrest are not known.

300. Rajesh Pillai was reportedly arrested on 4 August 1997 by members of the Sector 6 police, Bhilai Township, and taken to the police station for questioning in a murder investigation. He was reportedly interrogated and ill-treated for four days, during which period he denied his involvement in the murder case. Hot water was allegedly poured over him. His legs were allegedly burnt and part of his skin was pealed off. He was allegedly held incommunicado in a secret place. He was reportedly sent to jail on 14 August 1997. Despite the magistrate's order that he be given appropriate medical treatment, he was reportedly denied medical attention.

301. Fatima, a widow from Hundi village, Kupwara district, was reportedly arrested in her village on 25 November 1997 by army personnel of the Rashtriya Rifles from the Hundi camp. The army personnel reportedly accused her of helping militants. During two days, she was allegedly taken to various places where she was gang raped several times by eight pro-government militants and army personnel, among them one major. One of the perpetrators allegedly placed his boots on her legs and introduced the barrel of his rifle into her private parts. She was eventually released on 27 November 1997. Her parents reportedly went to the Vilgam police station on 28 November 1997 to lodge a report about the case, but the officer-in-charge is said to have refused to register the case.

302. Humangot was reportedly picked up by the army on 4 April 1996 from the town of Jalukie and taken to the 16th Assam Rifles camp at Samzuiram. He was allegedly blindfolded, while his body was pricked all over with pins and a lathi was squeezed on his lower body from hips to feet. For five days he was allegedly severely beaten and abused, in order to force him to admit that he was an underground National Social Council of Nagaland (NSCN) worker. Red chillies were also rubbed into his open sores. He was reportedly handed over to the police on 9 April 1996.

303. Kehuing was reportedly picked up by the army on 17 April 1996 from the village weekly bazaar and taken to the 26th Assam Rifles camp at Ngwalwa. He was allegedly blindfolded and had his hands tied. He was reportedly interrogated in Hindi, a language that he did not understand, at gun point and was beaten. He was reportedly released after two days on 19 April, after he signed a "no harassment certificate".

304. Messamo, a student of St. Anthony's College in Shillong, was reportedly picked up on 15 March 1996 by army personnel. He was allegedly beaten, administered electric shocks and hung by his arms. Messamo was reportedly given injections in both arms and became unconscious. He is said to have regained conaciousness on 19 March in hospital, while undergoing a blood transfusion, and was unable to speak. He reportedly had a large wound on his stomach. After having reportedly signed a document in Hindi, a language that he did not understand, he was handed over to the police on 28 March 1996 and admitted to the Civil Hospital in Dimapur. It has been reported that Messamo was brought to the hospital with 27 stitches on his abdomen and 14 stitches around his neck. He was said to be very weak. Reports indicate that on 25 April, Messamo was tied to his hospital bed with a heavy metal chain, despite the fact that he could barely sit up or whisper. The chains were reportedly not even removed during toilet and bathroom visits. Doctors at the Civil Hospital could not say whether any organs had been removed, since no CT scan is available in Dimapur.

305. Chon Tangkhul was reportedly picked up by the army on 8 March 1996 in Dimapur, where he is said to have gone in connection with his logging business. He was allegedly confined in an army camp near Kohima until 28 March 1996. During his detention, he was reportedly severely beaten and had electric shocks administered to his legs, stomach, fingers and buttocks.

306. Dilip Kumar Chakravarty was allegedly beaten in front of his family on the night of 30/31 July 1995 by the Indian Special Task Force of the Delhi

Police from Welcome police station. The police reportedly took him into their custody and allegedly beat him until he lapsed into a coma. He allegedly later died from the head injuries he sustained while in police custody. When his wife and friends went to Welcome police station on 31 July 1995, they found Dilip Chakravarty lying on the floor unconscious and bleeding profusely from the head, mouth and nose. No medical aid was reportedly ever extended to him, despite repeated requests. The police officers allegedly did not allow him to be moved to a hospital. He was eventually transferred by his family to the Holy Family hospital where the Assistant Commissioner of Police and other officials allegedly threatened his wife that, if she was taking any action against the police, she would meet the same fate as her husband. Ten police officials were reportedly charged and convicted. However, the Assistant Commissioner of Police and other officers who allegedly were instrumental in this operation, have been left off the list of accused. The National Human Rights Commission is said to have investigated the case and to have found the Assistant Commissioner of Police guilty, but it reportedly refused to give a copy of its report to his wife. The case is now said to have been taken to the Supreme Court of India.

307. The Special Rapporteur has also received information on how human rights activists in Punjab are suffering from police harassment. The main First Information Report (FIR) alleges that the four persons named below held a meeting at Gurduwara Sohana on 13 June 1998, in order to prepare the bombing of the Burail jail. Manmohan Singh was reportedly arrested by officers from the Kharar police station at his house, close to Panchayat village, on 10 June 1998. He was reportedly hung up and had his feet branded with burning charcoals until he said that he was trafficking weapons. Jaswant Singh, from Sidhupur Kalan, was reportedly arrested by the Kurali police on 12 June 1998. He was allegedly tortured and illegally detained at the Central Investigative Agency in Ropar until 18 June 1998. Rajinder Singh, also known as Neeta, was allegedly abducted from Latheri village by local police on 11 June 1998, and subsequently was detained at Morinda and Roprar police stations while his family was kept under house arrest. He was reportedly beaten and tortured until his release on 18 June 1998. He is believed to have been repeatedly asked why he was involved with human rights work. Satnam Singh was reportedly arrested by Chandigarh police on 8 June 1998 and illegally detained until 12 June 1998. He allegedly suffered electric shocks to his ear lobes and feet.

308. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 regarding which no reply had been received.

Urgent appeals and replies received

309. On 2 June 1998, the Special Rapporteur sent an urgent appeal, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, on behalf of five Russian pilots arrested in India in November 1995 and remanded in custody at the Calcutta prison on charges of having delivered weapons to India. Aleksander Klishin, Oleg Gaidah, Igor Moscvitin, Igor Timmerman and Yevgeny Antimenko are said to face the death penalty. They are allegedly held in a 6 square metre unventilated cell and have to sleep on the stone floor. One of the prisoners is believed to have contracted

tuberculosis in detention and another to have suffered two heart attacks. All medical treatment is denied to the prisoners. By letter dated 17 August 1998, the Government indicated that the allegations regarding cruel and inhuman treatment, as well as lack of medical attention, were completely baseless. It further stated that no such allegations had been made by the five prisoners in any court of law and that senior officials of the Government met them from time to time to oversee their welfare. It also indicated that the facilities provided to them were more than what was given to other inmates. The Government further indicated that they were provided with medicines when required and confirmed that Igor Moscvitin was being treated for pulmonary tuberculosis in hospital. Finally, the Government indicated that their right to due process of law had been fully respected.

310. On 19 June 1998, the Special Rapporteur sent an urgent appeal, in conjunction with the Special Rapporteur on violence against women and the Special Rapporteur on freedom of opinion and expression, on behalf of 490 persons protesting peacefully against the Maheshwar Dam project in Madhya Pradesh. Some of those arrested were reportedly beaten and had to be hospitalized. A number of women are said to have been threatened with being stripped naked in public if they made any further protests.

311. On 10 July 1998, the Special Rapporteur sent an urgent appeal on behalf of Bimal Kanti Chakma, a leader of the Committee for Citizenship Rights of the Chakmas of Arunachal Pradesh, who was allegedly arrested on 6 July 1998 by the Arunachal Pradesh police in his home village of Jyotipur, Arunachal Pradesh. He had been severely ill-treated when previously arrested in similar circumstances.

312. On 24 July 1998, the Special Rapporteur transmitted an urgent appeal on behalf of Jaspal Singh Dhillon, the Chairman of the Human Rights and Democracy Forum and Chairman of the Sub-Committee on Co-ordination on Disappearances in Punjab, who was reportedly arrested on 23 July 1998 in Chandigarh. He was allegedly arrested by several station house officers from the Sohana police station, Ropar. He had been severely ill-treated when previously arrested in similar circumstances.

313. On 22 September 1998, the Special Rapporteur sent an urgent appeal on behalf of Abdul Sattar, Sita Ram and Satya Narain, three social workers with the Bal Rashmi Society, an organization concerned with the relief, welfare and development of socially and economically disadvantaged women and children in Rajastan. On 4 August 1998, Abdul Sattar was reportedly detained by police and taken to Bassi police station, where he was allegedly stripped naked and beaten up by police constables. He was then allegedly subjected to electric shock treatment to his hands, feet and genitals during the next five days. Sita Ram and Satya Narain were reportedly arrested on 5 August 1998 and have been repeatedly beaten by police. During this period, the men were allegedly threatened by police and made to confess serious crimes, including fraud and rape, for which charges have now been filed against them. On 10 August 1998, Abdul Sattar was reportedly brought before a magistrate who apparently failed to order a medical examination for him, despite his confused and disoriented state. On 14 August 1998, the three social workers were reportedly remanded to judicial custody and sent to Jaipur jail. The three men were reportedly sharing the same cell in prison as individuals accused of the rape of a woman

in Jaipur in September 1997. The Bal Rashmi Society had been active in a high profile state-wide campaign to ensure that the perpetrators of this rape were brought to justice. None are thought to have received medical attention for injuries sustained.

### Follow-up to previously transmitted communications

314. By letter dated 4 February 1998, the Government responded to one case that had been submitted by the Special Rapporteur in April 1997 (see E/CN.4/1998/38/Add.1, para. 163). Concerning Man Bahadur, Kumb Mbahadur and Rajesh, the Government indicated that a magisterial inquiry was held to investigate the allegations of torture and that the above-named had also filed a Criminal Writ petition in the Punjab and Haryana High Court of Chandigarh. The allegations were found false and baseless in both cases. It further specified that the medical board, having examined the three persons, had concluded that there was no evidence of torture.

### Observations

315. The Special Rapporteur recognizes that there has been insufficient time for the Government to respond to his letter of 11 November 1998. He believes that his concerns addressed over the years are reinforced by the long-standing failure of the Government to respond positively to his request for an invitation to visit the country.

## Indonesia

### Regular communications and replies received

316. By letter dated 27 July 1998, sent in conjunction with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that they had received information on Rosita Gomes Pereira, who was allegedly raped by two members of the Indonesian military on 1 May 1998 in Darnei, East Timor. The perpetrators were reportedly two soldiers from the Lulirema military post.

317. By letter dated 20 October 1998, the Special Rapporteur advised the Government that he had received information on the following arrests, which are said to have been connected with the March 1998 Presidential elections: Mahmud Yunus, Agus Rully Ardiyansyah, Cepi Kunaefi, Tanto Sugianto and Muhamad Iqbal, all students from the Garut Youth and Students' Forum (Forum Pemuda Pelajar Mahasiswa Garut), were reportedly arrested on 16 February 1998 by police and soldiers from the district military command (Kodim) in Garut, West Java. They were detained at Kodim until 18 February, when they were transferred to police custody. They were allegedly subjected to ill-treatment during interrogation by the military and denied access to lawyers. They were reportedly released on 19 February 1998 on condition that they report to the police twice a week.

318. Robert, one of seven student activists arrested on 7 February 1998 during a demonstration at a mosque in Bogor where they were said to have been

distributing copies of a speech made by ousted Indonesian Democratic Party (PDI) leader, Megawati Sukarnoputri, was allegedly subjected to ill-treatment. He is said to have been released on 8 February 1998 on condition that he report to the police.

319. Yudi Rahmat and Yudi Hermanto, two members of the Indonesian Prosperous Workers' Union (Serikat Buruh Sejahtera Indonesia) (SBSI), were reportedly arrested in Jakarta on 8 March 1998 on suspicion of holding an illegal meeting and distributing an SBSI protest letter. They were reportedly detained first in military custody at the district military command in north Jakarta, where they are believed to have been subjected to electric shocks. They were said to have since been transferred to police custody.

320. The Special Rapporteur also transmitted information on the following cases: Eduard Iwanggin, one of the numerous persons arrested following the violent break-up of a peaceful flag-raising ceremony in Biak on 6 July 1998, is said to be in poor health, allegedly as a result of beatings he received at the time of his arrest. A doctor has reportedly recommended that he be released in order to obtain medical treatment, but this is not known to have happened. The military is said to have now acknowledged that 24 persons were wounded when it broke up this ceremony and have announced the establishment of a fact-finding team to investigate the events. However, its mandate and composition are reportedly unclear.

321. Suroso, a member of Students' Solidarity for Democracy (Solidaritas Mahasiswa Indonesia Demokrasi) (SMID), Yakobus Eko Kurniawan, Head of Development of the People's Democratic Party (Partai Rakyat Demokratik) (PRD) and Ignatius Damianus Pranowo, Secretary-General of the Indonesian Centre for Labour Struggle (Pusat Perjuangan Buruh Indonesia) (PPBI), were reportedly arrested without warrants along with 11 other activists in Jakarta on 11 and 12 August 1996. They were said to have been arrested by officers of the Indonesian military intelligence agency (BIA). They were kept in incommunicado military detention for approximately one week before being transferred to the custody of the Attorney-General's office on 18 August 1998, where they were reportedly later charged. During the week in military detention, they were allegedly subjected to torture. Both Suroso and Ignatius Pranowo were allegedly beaten, while Yakobus Kurniawan was administered electric shocks. In addition, all three were reportedly subjected to interrogation for up to 26 hours without a break. On 28 April 1997, they were reportedly sentenced in the Central Jakarta District Court.

322. In connection with the territory of East Timor, the Special Rapporteur has transmitted information on the following individual cases.

323. Mario Soares Romaldo, Jose N. Da Silva, Henrique da Conceicao, Pascoal da Costa, Nelson de Carvalho and Antonio Lopes, all students, were reportedly arrested at Surabya, on 21 December 1997, by masked members of the Indonesian security forces. During a journey, blindfolded and handcuffed, they were allegedly threatened with being thrown into the sea. They were allegedly subjected to torture during interrogation. All six men were reportedly released nine hours later at separate locations and warned not to tell anyone of what had happened to them.

324. On 22 May 1998, the Special Rapporteur sent an urgent appeal on behalf of Antonio da Costa and Mauricio da Costa (see below). By letter dated 28 July 1998, the Government replied that the above-named persons had been arrested on the date and place mentioned in the communication, but denied that they had been held in incommunicado detention or that they had been ill-treated. The Special Rapporteur has since received information indicating that both Antonio da Costa and Mauricio da Costa were released on 19 May 1998. However it has reportedly been confirmed that they were subjected to torture while in detention. They were allegedly administered electric shocks and their hands were burnt.

325. Ernesto Soares, Antonio Barros, Francisco Martins, Hermenegildo Pereira, Alfonso Alitalo, Baptista Guterres, Jacinto Barros, Tomas Maia, Joao Talimeta, Francisco Maia and Duarte Barros were reportedly arrested between 29 and 30 May 1997 in the sub-district of Atabae, Bobonaro district, on suspicion of having taken part in the burning of two polling booths on 28 May 1998 in the Atabae area, in the lead-up to the 29 May election. At the time of their arrest, they are believed to have been beaten by members of KOSTRAD, i.e., the Army Strategic Reserve Command, as well as by the Rajawali battalion, Halilintar militia, and Gadapaksi, i.e., the Pro-Integration Youth Group. They were allegedly handcuffed, placed in trucks and beaten with bamboo poles and blocks of wood. On the way to detention, they were said to have been punched, burned with cigarettes and verbally abused. They were allegedly detained at KORAMIL, i.e., the Sub-District Military Command Headquarters in Atabae, and then transferred to Kodim Headquarters in Maliana, where they were reportedly detained for four days. Duarte Barros, Francisco Maia and Jacinto Barros were said to have then been released, while Francisco Martins, Joao Talimeta, Hermenegildo Pereira, Alfonso Atitalo, Tomas Maia and Baptista Guterres were taken to the Police Resort (POLRES) in Maliana for further questioning. They were reportedly released on 8 June 1997. All 11 men were allegedly subjected to torture during their detention. They were said to have to periodically report to the local authorities.

326. Jose Pereira is believed to have died in military custody on 24 July 1997 allegedly from bayonet stab wounds inflicted during torture. He was reportedly arrested on 16 July by members of the Rajawali and the Territorial Battalions (BTT) and taken to "Nanggala" headquarters located at Saelari village. His family was reportedly not allowed to visit him in detention. While in detention he was allegedly tied to wooden pillars and beaten. His body was said to have been sliced with bayonets and boiling water was poured on him.

327. Jose do Rosario was reportedly arrested on 17 July 1997 by members of Rajawali at the hamlet of Beli-Uali, Sagadate. He was then detained at Rajawali headquarters in the village of Saelari, Laga. He was allegedly tortured on the way to the base by the military. While in detention he was tied to wooden pillars of the house and beaten. His body was allegedly sliced with bayonets and boiling water was poured on him. The military was said to have refused to allow his family to visit him at his place of detention. His whereabouts are unknown.

328. Moises Lobato Pereira, Sebastião Pereira, Domingas da Costa (female) and Sidonio Ximenes were reportedly arrested in Baucau on 4 April 1997 by members

of Team SAKA, an anti-guerrilla unit of East Timorese men recruited into the Indonesian army. It is believed that Domingas da Costa and Sidonio Ximenes were arrested on suspicion of working for a clandestine pro-independence organization, while it is not known why the two others were arrested. The four were said to have been taken to the headquarters of the military intelligence service (SGI), Kopassus, at Kota Baru, known as "Rumah Merah" or "Red House", which is alleged to be a torture centre of the Indonesian military. They were allegedly kicked and beaten with rifle butts until they bled, reportedly interrogated by members of the SGI, stripped of their clothing and subjected to torture with their fingers being crushed under the legs of a chair. All were reportedly released, except Sidonio Ximenes, who may still be in detention at the Red House.

329. Hermenegildo Alves, Egidio Soares and Sedelegio Soares were reportedly arrested at their homes at Lai-Soro-Lai, Bacau district, by members of Team SAKA (an Indonesian military group composed of East Timorese) and the Rajawali battalion on 13 May 1998. The following day they were reportedly taken to Team SAKA's military post, where they were allegedly beaten. On the same day, Paulo Marcal Boavida was reportedly arrested by members of Team SAKA and the Rajawalli battalion at his cousin's house at Lai-Soro-Lai during a celebration in honour of the Virgin Mary. He was also reportedly taken to the military post, where he was allegedly beaten. On 15 May 1998, the four men were said to have been taken by the Mobile Police Brigade (BRIMOD) to Vila-Nova in Bacau, where they may still be in detention.

330. Bendita Silva, Eduardo Gusmao, Saturnino dos Santos, Antonio Belo Gusmao and Paulino Gama were reportedly arrested between 17 and 18 June 1998 on suspicion of collaborating with the East Timorese resistance in Quelicai. They were allegedly arrested by members of the police and of the Indonesian Intelligence Service (INTEL) and detained at police headquarters at Bacau. They were allegedly beaten and ill-treated.

331. Natalino Soares, his wife Maria Ribeiro Sarmento and their daughter Ivonia Ribeiro Sarmento, Adao de Jesus Pereira, Augusto Nunes Marques and Caetano de Jesus Araujo were reportedly arrested on 26 February 1997 in Nassuta hamlet, by a combined force of troops from the Liquica Kodim, the SGI and the Linud 700 battalion. They were reportedly held in the Liquica Kodim headquarters where they were interrogated and allegedly beaten, submerged in freezing water, administered electric shocks and forced to confess the whereabouts of a Falintil hideout. They were reportedly released with the threat that if the security forces needed information they would be recalled.

332. Andre da Silva, Carlos de Araujo, Antonio de Jesus, Manuel Nunes and Luis Ramailho were reportedly arrested on 24 March 1997 in Rai-Tahu village by members of the Pro-Integration Youth Action Group (GADAPAKSI). They were allegedly taken to the local BTT post for interrogation, where they were believed to have been hit, beaten and tortured. They were reportedly held for three days at the post and then released with their bodies covered in bruises.

333. Vincente da Costa was reportedly arrested on 26 March 1997 in Buamirak hamlet by members of the Kopassus, Makikit, and GADAPAKSI, on suspicion of

having connections with Falintil. He was reportedly detained for two days at the Kopassus post in Buanurak where he was allegedly subjected to beatings and burnt with cigarettes. He was eventually released on 28 March 1997.

334. Augusto Soares, alias Mali Leki, Joao Soares, Funu-Nahak, Jose Ramos, alias Bere-Seren, Felix Amaral, Rubi Soares and Agostinha Soares, aged 15, all from Lacluta sub-district were reportedly arrested on 17 June 1997 by members of Battalion 407 stationed at Uma-Tola, Lacluta sub-district. Agostinha Soares was allegedly arrested by three members of Battalion 407 called Sergeant Budyono, Private Slamet and Private Uby. They allegedly raped her. Augusto Soares and Joao Soares reportedly received razor cuts to their bodies during interrogation.

335. Tomas da Cruz was reportedly arrested on 3 July 1997 in the hamlet of Bua-Nurak, located in the village of Loi-Huni, by members of the Indonesian military. He was reportedly taken to Kodim headquarters for interrogation, during which he was subjected to torture and beatings.

336. Andi Arief, a student activist and Chairman of the Student in Solidarity Democracy (SMID), as well as spokesman of the PRD, was said to have been arrested on 28 March 1998 by two armed men in Lampung, south Sumatra. He was believed to have been held in incommunicado detention from 28 March to 17 April 1998 and to have been tortured during that period. The Indonesian Armed Forces reportedly denied that they had any involvement in his detention. But Andi Arief is said to have reappeared in the national police headquarters in Jakarta. In the search for Andi Arief, three other students members of SMID, Nezar Patria, Aan Rusdianto and Mugiyono, from Klender in east Jakarta, were reportedly arrested on 13 March 1998 by military officers from Jakarta. They were allegedly transferred to Jakarta police headquarters on 15 March, where they were said to have repeatedly been tortured with electric shocks in order to extract information as to the whereabouts of Andi Arief and other PRD leaders. They were reportedly released in June. Concerning Andi Arief, the Government responded on 28 July 1998 to an urgent appeal sent on his behalf by the Special Rapporteur on 2 April 1998 (see below).

### Urgent appeals and replies received

337. On 17 February 1998, the Special Rapporteur transmitted an urgent appeal on behalf of Haji Jafar bin Adam, an Islamic preacher, who was allegedly arrested by members of the Indonesian Special Forces Command, Kopassus, at his home in north Aceh, on 17 November 1997. The arrest allegedly took place as a result of his failure to conduct a prayer session, in perceived breach of an agreement with the local authorities to do so. He was allegedly taken first to a Kopassus post in Ulee Gee, then subsequently to Kopassus Headquarters in Rancung, Lhokseumawe, where he is said to remain in detention. By letter dated 24 June 1998, the Government stated that Haji Jafar bin Adam, who is said to be a member of the notorious Rachman Paloh criminal group, was arrested on 17 November 1998 by the police based on sufficient evidence of his involvement in an armed bank robbery in Aceh on 4 February 1997, during which a security guard was killed. He is currently held at the Lhokseumawe police station and his trial is under way. The authorities concerned attest that his

rights during detention and trial are fully respected. The Government also indicates that, during the investigation, Haji Jafar bin Adam stated that he was not subjected to any forms of ill-treatment while in detention.

338. On 10 March 1998, the Special Rapporteur sent an urgent appeal on behalf of Rui Campus who was allegedly arrested in Asalainu village in late January 1998 and was reported to be held in incommunicado detention at Kopassus headquarters in Los Palos. He was reportedly arrested by members of Kopassus, who are said to have hit him in the mouth during arrest. His family has allegedly been refused access to him and he has reportedly not yet seen a lawyer. By letter dated 24 June 1998, the Government stated that the authorities concerned had not found any information on anyone named Rui Campus in the village of Asalainu.

339. On 18 March 1998, the Special Rapporteur made an urgent appeal on behalf of T. Jamaluddin, alias Bit, Muzarni and Adnan, who were allegedly detained on 26 February 1998 on suspicion of criminal activities. The arrests, which are said to have taken place in Indrapuri, in northern Sumatra, are reported to have been carried out by three men believed to be members of Kopassus. The above-named persons are alleged to be held incommunicado at Kopassus headquarters in Lhokseumawe, known as Rancung. By letter dated 28 July 1998, the Government indicated that all three individuals had been arrested by members of Kopassus on 26 February 1998 in Andrupi, when they were attempting to smuggle 300 kilograms of cannabis from Aceh, and detained at Lhokseumawe police station. The Government further stated that the detainees' rights were respected and that the authorities involved and the physical appearance of the detainees during the investigation confirmed that they were not subjected to any form of ill-treatment. It also indicated that the examination of their cases was under way and that they were facing charges of violating the Anti-Narcotics Act.

340. On 2 April 1998, the Special Rapporteur sent an urgent appeal on behalf of the following persons, who have allegedly been arrested in recent days and who are believed to be currently held in incommunicado detention: Justo Bernadino, alias Larimau, district commander of the East Timorese National Liberation Army, Falintil, was allegedly detained on 29 March 1998 in the village of Bauro in Los Palos, East Timor, during Indonesian military operations, reportedly taken into military custody at the district military command (Kodim) in the town of Bacau and subsequently transferred to military custody in Dili; Andi Arief, leader of the Indonesian Students' Solidarity for Democracy, is alleged to have been taken without a warrant in Sumatra on 28 March 1998 by a number of plain-clothes men; Haryanto Taslam, Deputy Secretary-General of the Indonesian Democratic Party Struggle, who is believed to be in detention as a result of his attendance of an Indonesian Democratic Party conference at the residence of Megawati Sukarnoputri in Jakarta on 3 March 1998. Attempts by their familes to trace the men have been unsuccessful.

341. By letter dated 28 July 1998, the Government stated that Justo Bernadino was apprehended on 27 March 1998 by members of the Baucau district military command, who confiscated a colt handgun and six rounds of ammunition from him and, on the same day, handed him over to the Dili police for detention. It further indicated that he had been a wanted man for a long time because of his

participation in armed rebellions against the Government and that his trial would begin soon. In addition, the Government stated that his rights as a detainee had been and would continue to be respected, and that the examination of his case was currently under way. With respect to Andi Arief, the Government confirmed that he was abducted from his parents' shop by an organized group who handed him over to the police at Jakarta police headquarters. A warrant was issued by the police in order to keep him in detention for his suspected involvement in a bomb explosion at Tanah Tinggi, central Jakarta, in January 1998, but he was released on 14 July 1998 for lack of evidence. With respect to Haryanto Taslam, the Government replied that he had been released by his abductors on 19 April 1998. He seems to have been abducted by the same group as Andi Arief and to have been kept in the same detention facility. The Government further explained that President B.J. Habibie has instructed the Armed Forces Commander to carry out an investigation and to bring the perpetrators of these kidnappings to justice. In order to do so, the Armed Forces Commander has set up a fact-finding team to work with human rights groups, including the National Commission on Human Rights and the non-governmental organization KONTRAS in order to investigate the forced disappearances of political activists. Major-General Syamsu Djalaluddin, the Indonesian Military Police Commander and the Chairman of the Armed Forces Fact-Finding Team investigating enforced disappearances of political activists, stated that several armed forces units, including the Army Strategic Reserve Command, the Armed Forces Intelligence, the Territorial Military Command and the police, were involved in the kidnappings. He provided his assurance that all members of the military, including high-ranking officers, who were involved would be brought to justice. In fact, by 23 July 1998, 40 military personnel had already been questioned and 11 members of Kopassus had been detained as suspects. The Government promised that it would inform the Special Rapporteur of further developments on these cases, including investigations and trials.

342. On 2 April 1998, the Special Rapporteur also transmitted an urgent appeal on behalf of Bahrul Alam, Utami Pribadi, Okyanti, N.A. Chairil Syarif and Hamdani. Bahrul Alam, Utami Pribadi and Okyanti, all students, are believed to be held in custody following their participation in an anti-government student demonstration in Lampung, Sumatra, on 19 March 1998, which resulted in clashes between the security forces and students, as well as the alleged arrest of 72 students. Most were released shortly afterwards, but the three above-named students are reportedly still missing. Several of those released were said to have been badly wounded as a result of ill-treatment. N.A. Chairil Syarif and Hamdani are said to have been arrested by security forces in Lampung on 26 March 1998, allegedly also in connection with the student demonstration, and are believed to be held incommunicado in an unknown place of detention. By letter dated 28 July 1998, the Government stated that on 16 April 1998 the Rector of Lampung University confirmed that there were no missing students after the demonstration of 19 March 1998. Bahrul Alam and Utami Pribadi were held by the police for questioning on 19 March 1998, but were immediately released on the same day, along with other students. According to the Rector, both students resumed their classes on 3 April 1998. Okyanti, however, did not take part in the demonstration and was not arrested. With respect to N.A. Chairil Syarif and Hamdani, the Government stated that no one by either name had been arrested and that, according to the Rector, neither was enlisted as a student at Lampung University.

343. On 9 April 1998, the Special Rapporteur sent an urgent appeal on behalf of Agostinho Goncalves and Gil Ximenes, two University of East Timor students who were allegedly arrested on 21 March 1998. Both of these individuals are believed to remain in police custody at Police Resort in Dili. They have allegedly been denied access to legal representation and reports indicate that they have been ill-treated, including being subjected to beatings and electric shocks. By letter dated 28 July 1998, the Government stated that the authorities were unable to find any information on individuals by those names. However, it suggested that there may have been an error in one of the names initially reported as the Government's investigation found an individual by the name of Alberto Goncalves who was arrested on the same day as was reported for Agostinho Goncalves. Alberto Goncalves was not subjected to any form of ill-treatment and was released on 13 June 1998 for lack of evidence against him.

344. On 14 April 1998, the Special Rapporteur transmitted an urgent appeal on behalf of a group of about 500 persons from Aceh province who were reportedly being detained in Rancung military detention facility in Lhokseumawe. They had reportedly been under arrest since their arrival in Indonesia on 26 March 1998 following their deportation from Malaysia. They were allegedly undergoing questioning and were reportedly being denied access to lawyers. By letter dated 28 July 1998 the Government stated that no one had been arrested upon his or her arrival in Indonesia, nor had anyone been held in incommunicado detention. There were 545 persons returned to Indonesia from Malaysia on 26 March 1998. Of the 531 Acehnese among them, 517 had returned to their villages by the end of April and the other 14 had been summoned for questioning by the authorities in Pos Rancung, Lhokseumawe, but had not been arrested, nor detained. The Government indicated that two persons had had to be admitted to Lhokseumawe hospital and their legs amputated because of severe gunshot wounds inflicted prior to their departure from Malaysia. ICRC, in cooperation with the Indonesian National Red Cross, had been allowed to carry out its activities since 5 May 1998 to provide assistance to the returnees.

345. Also on 14 April 1998, the Special Rapporteur sent an urgent appeal on behalf of Jose de Deus, Francisco Barreto, Arancio Ferreira, Fernando dos Santos, and Eco dos Santos, all farmers, who were allegedly arrested on 23 and 28 March 1998 by the Indonesian Armed Forces (ABRI) in Ilomar, East Timor. All were reportedly arrested on suspicion of cooperation with the East Timor National Liberation Army (*Falintil*) and were alleged to be held in incommunicado detention. By letter dated 28 July 1998, the Government replied that Fernando dos Santos had been arrested on 2 April 1998 for his clandestine activities and for distributing leaflets in which he incited the people to take up arms and rebel against the Government. He was currently in detention at the Dili police headquarters, where the authorities attested that his rights were being respected, in accordance with the Indonesian Code of Penal Procedure. An examination of his case was under way. The four other individuals were unknown to the authorities, but the Government indicated its willingness to continue its investigation.

346. On 22 May 1998, the Special Rapporteur transmitted an urgent appeal on behalf of Antonio da Costa and his brother Mauricio da Costa, who were reportedly arrested in the village of Wainiki, Baucau, on 12 May 1998, allegedly at knife-point by four men in a dark car owned by the military.

They are believed to have been taken to Kopassus headquarters in Baucau, where they are reportedly still detained, incommunicado. This urgent appeal was also sent on behalf of Domingos Oliveira, Salustiano Freitas, Lucio de Jesus, Jose da Costa, Paulo da Costa Soares, Alberto da Costa and Martins Belo, who had allegedly been arrested in Wailili village, Baucau. Domingos Oliveira, an alleged member of the East Timor resistance, is said to have been arrested on 8 April 1998 by members of Kopassus, who are reported to have subjected him to beatings and other forms of ill-treatment in order to extract the names of the other six men. Salustiano Freitas is reported to have been arrested by military personnel on 14 April 1998 and taken into custody at POLRES in Baucau, following an attack on his home in Samala hamlet, Wailili village, by members of Kopassus, Rajawali and Territorial battalions. Members of his family were reportedly gravely injured during the incident. The other five men were allegedly arrested between 14 and 16 April 1998 and are also believed to have been detained at POLRES in Baucau. All seven men are said to have been charged under the Emergency Regulations, but were allegedly being denied access to their families. By letter dated 28 July 1998, the Government stated that all of the individuals named in the appeal had been arrested by the police in cooperation with the district military command, at the dates and times reported, for suspected possession of guns and explosives, and were accordingly facing charges under the Emergency Regulations. They were being detained at the Baucau police station. However, evidence presented by the local authorities showed that they had not been denied access to their lawyers and families and there was no evidence suggesting they had been tortured or ill-treated. The authorities concerned were reported to have given their assurances that the detainees' rights were being fully respected, in accordance with the Indonesian Code of Penal Procedure.

347. On 3 June 1998, the Special Rapporteur sent an urgent appeal on behalf of Joao Soares Reis, Floriano da Costa Xavier and Bernardo da Silva, who were allegedly arrested in late February 1998 by members of Kopassus and the Indonesian police, initially detained at Police Resort in Dili, and reportedly currently being held at Becora prison, also in Dili. They have allegedly been accused of having contacts with Falintil. All three men were allegedly beaten and ill-treated while in incommunicado detention at Police Resort. They have reportedly been allowed visits from family members and legal representatives since their transfer to Becora prison.

348. On 7 August 1998, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of Januario Freitas, Abilio Vecente and Olandino Oliveira, arrested on or about 11 July 1998. They were reportedly being detained at the Wirahusada military hospital in Dili and were injured. They have allegedly been denied access to legal counsel and to family visits. By letter dated 18 September 1998, the Government replied that Januario Freitas, alias Ajano, had been arrested by the police on 11 July 1998 in Dili while he was attacking a house. A sword was reportedly confiscated from him by the police. The Government further stated that he was currently detained at the Becora prison in Dili while awaiting due process of law, and that he was facing charges of having violated the laws prohibiting deliberate and unlawful destruction of or damage to property belonging to another, and the carrying of arms or sharp tools which could inflict bodily harm. The Government indicated that, in accordance with the Penal Code, he could be condemned to two years and

eight months, imprisonment if found guilty. Regarding Abilio Vecente and Olandino Oliveira, the Government informed the Rappporteurs that they had been under police custody while hospitalized at the Wirahusada hospital in Dili in mid-July 1998, on suspicion of involvement in a criminal act, but that they had finally been released for lack of sufficient evidence to incriminate them, after having been briefly detained for questioning. The Government lastly reported that the authorities concerned had given their assurances that the above-mentioned individuals had been treated humanely and that their rights as detainees had been fully respected.

349. On 21 August 1998, the Special Rapporteur sent an urgent appeal on behalf of Francisco Delton, an East Timor man from Quintal Boot, Dili. He was reportedly arrested in Maubara, Liquica district, on 14 July 1998 and has since been held in incommunicado military detention. He is said to have been arrested during a military search of a public bus by soldiers from KODIM (District Military Command) Liquica 1638 and Koramil (Sub-District Military Command) Maubara 03. The security search was reportedly part of an attempt to prevent demonstrations on the 17 July anniversary of Indonesia's seizure of East Timor. He has allegedly been subjected to various forms of ill-treatment at KODIM Liquica and his face has been severely disfigured. On 18 July he was reportedly transferred in a Kijang vehicle to the town of Maubara, where military security forces allegedly intended to kill him. As a result of Francisco Delton's attempts to attract the attention of passers-by, he is said to have been returned to KODIM Liquica.

350. On 9 October 1998, the Special Rapporteur in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention sent an urgent appeal on behalf of Marcos Belo, from East Timor, who was allegedly arrested on 30 September 1998 by an Indonesian Air Force unit from the military airport of Lanud Baucau. His arrest reportedly took place during a military raid on the village of Kaisida. He was reportedly arrested along with three other Indonesians from East Timor and was taken to the Air Force headquarters at Lanud Baucau for interrogation. Although he was accused of stealing an electric cable, it is believed that he was arrested for his suspected involvement with the resistance movement and participation in public forums on the future status of the territory of East Timor. The three other men were released 12 hours after their arrest, but Marcos Belo reportedly remained in incommunicado detention at Lanud Baucau.

351. On 22 October 1998, the Special Rapporteur sent an urgent appeal, in conjunction with the Chairman of the Working Group on Enforced and Involuntary Disappearances, on behalf of Felisberto Maria dos Santos (alias Sole-Solep), who was reportedly arrested on 30 March 1997 at a security checkpoint in the sub-district of Atabae, East Timor, by plain-clothed SGI (Military Intelligence Unit) personnel. He was reportedly arrested with Domingos Laranjeira, Marcelino Francisco dos Santos and Jose Sobral. At the time of their arrest, the four men were being held at the SGI headquarters at Colmera, Dili. On the evening of their arrest, they (except Jose Sobral) were reportedly taken by boat in the direction of Atauro Island, stripped naked and thrown into the sea. The next morning they were returned to SGI headquarters, where they were reportedly interrogated while being subjected to electric shocks. On 4 April 1997, the three men were blindfolded and transferred to Rumah Merah (Red House), a military detention centre in Bacau.

Domingos Laranjeira was reportedly later released. Between 5 and 7 May 1997, Felisberto Maria dos Santos, Jose Sobral and Marcelino Francisco dos Santos were detained together at Rumah Merah. On 7 May, Marcelino Francisco dos Santos was transferred to Kopassus headquarters in Los Palos and was reportedly released on 22 April 1998. Jose Sobral was reportedly kept in detention at Rumah Merah until 14 January 1998, at which time he was taken in a truck to Dili and released. On 7 May 1997, Felisberto Maria dos Santos was reportedly transferred to an unknown detention centre. His whereabouts are unknown.

352. On 17 November 1998, the Special Rapporteur sent an urgent appeal on behalf of 26 prisoners from the territory of East Timor: Adelio de Fatima Barreto H, Agostino Moreira, Agostino Vital, Alberto Ximenes, Carlos Freitas, Constancio C. Santos, Domingo Pereira, Eduardo dos Santos, Eusebio Ximenes, Joao Alves Trindade, Joao dos Reis, Joaquim de Carvalho de Araujo, Jose Soares Menezes, Lamberto Freitas, Lino Xavier Nunes, Luis Antonio Soares, Manuel (no surname), Manuel Moniz, Mariano da Costa Sarmento, Matias Marçal Soares, Pedro Freitas, Romeo da Conceiçao, Salvador da Silva, Venancio (no surname) and Bernardo da Silva and Floriano da Costa Xavier on behalf of whom the Special Rapporteur had already sent an urgent appeal on 3 June 1998. They were reportedly all transferred from Becora prison in Dili to a military prison in Balide. On 30 October 1998, they were allegedly beaten with gun butts and thrown into military vehicles. They reportedly arrived at Balide military prison the following morning. They had allegedly been transferred because they had expressed their political views. The authorities ordered the transfer because the above-mentioned prisoners disturbed other prisoners by shouting independence slogans. They were all participants in a late-August hunger strike to support the release of Xanana Gusmao, the jailed leader of the movement for the independence of the territory of East Timor. Their families are said to have been allowed to visit them.

## Follow-up to previously transmitted communications

353. By letter dated 17 December 1997, the Government responded to a number of cases that had been submitted by the Special Rapporteur in November 1997 (see E/CN.4/1998/38/Add.1, para. 195) and September 1997 (see E/CN.4/1998/38/Add.1, para. 207).

354. Concerning Yulus Petege, Yahya Pigome, Ben Kotouki and other members of the Ekari tribe, the Government indicated that several persons involved in riots following the discovery of two dead bodies identified as members of the Ikari tribe were detained in August 1997. One day after their arrest, all the persons detained were released as the situation was under control. The authorities concerned attested that during their temporary detention none has been subjected to any forms of ill-treatment.

355. Concerning Antonio Viegas, Albino Soares, Natalina de Araujo and two other students, the Government indicated that, following a clash between students and law enforcement officers, the latter started firing rubber bullets to disperse the students and free one of their colleagues who was severely injured. According to the Government, five students who were injured, Adolfonco da Costa, Albano Barito, Joaquim Lailai, Marito Albino and Bernadimo Simon, were immediately brought to Wira Husada hospital.

Bernadimo Simon and eight other students were arrested on suspicion of having taken part in the attack on the sergeant. The nine persons were temporarily detained at Dili police headquarters, where their rights as detainees were fully respected. The Government further indicated that none of the names mentioned in the communication of the Special Rapporteur matched any of the persons arrested (Juvinal dos Santos, Francisco de Deus, Selverio Batista Ximenes, Abro do Nasimento, Domingus da Silva, Paulo Silva Cavalho, Visente Markus da Crus and Paulo Soares). Finally, the Government stated that following this incident the Indonesian National Commission on Human Rights conducted an inquiry which concluded that some human rights violations had occurred, causing injuries to students and law enforcement officers, and that the manner in which the law enforcement officers handled the students in this incident has to be improved, which the authorities concerned have recognized.

356. By letter dated 18 December 1997 the Government responded to an urgent appeal sent by the Special Rapporteur in October 1997 (see E/CN.4/1998/38/Add.1, para. 206). Concerning Constancio dos Santos, Jojo dos Santos, Eduardo (possibly called Jose Ximenes), Joaquim Santana, Ivo Miranda, Domingos Natalino Coelho da Silva, Fernando Lebre and Nuno dos Santos, the Government indicated that following a bomb explosion in Demak, Ivo Miranda, Domingos Natalino Coelho da Silva, Joaquim Santana and Ferao Pedro Macta Corbia Lebre (the latter not mentioned in the urgent appeal), said to be members of a terrorist group called Brigada Negra, had been arrested and were being held in police custody in Semarang awaiting due process of law. On the basis of their testimonies, Constancio Coasta dos Santos was later arrested. He and Jojo dos Santos and Eduardo Jose Ximenes were also in police custody in Dili awaiting due process of law. While in detention, the rights of the detainees were being fully respected and they were being treated humanely. The Government finally specified that Nuno dos Santos had not been found by the authorities concerned.

357. By letter dated 24 June 1998, the Government, responding to an urgent appeal sent on 27 March 1997 (E/CN.4/1998/38/Add.1, para. 200), noted that, among the 45 persons arrested on 23 March 1997 following a demonstration in Dili in front of the hotel where the Special Representative of the Secretary-General was staying, eight individuals who were convicted for taking part in this demonstration, namely Juvinal dos Santos Monis, Domingos da Silva, Bernardino Simao, Vincente Marques da Crus, Silverio Bapista Ximenes, Paulo Carvalho, Francisco de Deus and Paulo Soares, had all been amnestied by Presidential Decree dated 9 June 1998, and all criminal charges against them had been withdrawn.

358. By the same letter the Government responded to an urgent appeal sent on 15 October 1997 concerning nine individuals allegedly arrested in September 1997 for possessing explosives. According to the Government, Domingus Natalino da Silva, Joaquin Santana, Fernao Malta Correira Lebre and Ivo Salvador Mirando, who were detained and tried for their alleged involvement in bomb-making activities in Demak were found not guilty by the Court of Semarang on 1 May 1998 and subsequently released. In its reply, the Government did not give any information on the four other individuals arrested and detained in Dili under the same circumstances who were mentioned in the same urgent appeal.

359. Finally, the Government indicated that, considering that Indonesia was now in a process of transformation into a more democratic society, it had already undertaken many reforms, including the release of several prisoners and detainees jailed for political reasons and was considering releasing more prisoners in the near future.

### Observations

360. The Special Rapporteur appreciates the responses he has received from the Government and acknowledges that the process of transformation has led to greater openness on human rights issues, in particular, with regard to addressing problems of abuse of prisoners by official personnel. He considers that a positive response to his long-standing request to visit the country would be consistent with these developments.

## Iran (Islamic Republic of)

### Regular communications and replies received

361. By letter dated 3 September 1996, the Special Rapporteur advised the Government that he had received information concerning multiple sentences of corporal punishment. A variety of methods of corporal punishment are reported to be imposed on a systematic basis by the judicial authorities, including amputation, lashing, flogging and stoning. In addition, other forms of punishment are handed down under Islamic Laws of *Quesas* (retribution), whereby an offender is sentenced to the same type of bodily harm s/he is convicted of having caused someone else. Amputation is most frequently included in the sentences of individuals convicted of theft. Most often the individual's right hand is cut off, or four fingers, leaving only the thumb. Flogging is reported to be regularly inflicted as a form of punishment for a variety of offences and is commonly employed as punishment for individuals convicted of "disturbing the people's security". Individuals sentenced to flogging may have been found guilty of participating in a number of illegal activities, from gambling to illicit sexual relations. The flogging itself is carried out either by a relative of the victim or by the law enforcement authorities and is often performed in public. The judicial authorities are also said to have condemned several political opponents, in particular from Evin prison in Tehran, to amputation of an opposing arm and leg. Stoning is usually inflicted upon an individual who has been convicted of having engaged in sexual activity outside of his or her marriage. Following the entry into force of the new Penal Code in July 1996, the first amputations since March 1994 were recorded in August 1996. Since then, the Special Rapporteur has received information on numerous cases allegedly involving corporal punishment.

362. By the same letter, the Special Rapporteur advised the Government that he had received information on the following cases.

363. Vakhid Burumand Ali was allegedly tortured during the summer of 1995. Accused of having been in the illegal presence of girls, he reportedly resisted arrest. He was allegedly beaten and kicked, and a bullet fired towards the ceiling ricocheted, hitting his head. He was then allegedly kept in an isolation ward for four days and tortured because he would not confess.

After he was released, the forensic medical expert is reported to have registered 28 physical injuries. He was reportedly imprisoned again for three months.

364. Mohammad Ahmed Mahmod, an active member of the Kurdish Human Rights Organization, was allegedly tortured in Koladjo prison in Islamabad. He was reportedly arrested on 17 May 1996 by the Iraq Patriotic Union of Kurdistan (PUK) who, in August 1996, handed him over to the Iranian authorities on the accusation that he had offended the Ayatollah Khomeiny. The Iranian authorities reportedly detained him in Koladjo prison where he was allegedly severely tortured by other prisoners, as well as interrogators. He was held in Koladjo prison for approximately two years until he was found not guilty at a trial which reportedly took place in April 1998. He is now reported to be under house arrest in the town of Serposahab, facing a fine he must pay in order to be able to leave the country.

365. Abdullah Zare-Ayan was allegedly arrested on 10 June 1997 in Baneh, taken to the Intelligence Department in Sagh'ghez, and later transferred to the prison of Kermanshah where he was severely tortured over a period of 68 days. His family was reportedly informed on 16 May 1997 that he had died. His dead body is said to have shown signs of torture and burnings, allegedly caused by an iron.

366. Darius Alizadeh, of Kurdish origin, was reportedly arrested in mid-June 1997 in Tehran. Arrested at his house during the evening by four plain-clothed, but armed, officers of the security forces, allegedly because of his connections with the Mojahedin, he was reportedly blindfolded and taken to Tohid prison in central Tehran, formerly known as the Common Committee. There he was allegedly subjected to various forms of ill-treatment for 20 days in order to make him confess an alleged relationship with the Mojahedin. During most of his detention, he was reportedly blindfolded and held in solitary confinement and incommunicado detention. He is said to have had his testicles squeezed, his arms tied behind his back, his back and right arm burnt with cigarettes, his nails pulled out and to have been beaten on the face. He was reportedly threatened with disappearance, as nobody knew his whereabouts. He was also forced to watch fellow prisoners being tortured. He was reportedly released thanks to a Kurdish friend, Heshmattollah Parhizcar, who was working for the Government and who paid bail. Heshmattollah Parhizcar is said to be currently in detention, allegedly in relation to the Darius Alizadeh case. After his release, Darius Alizadeh reportedly left the country in April 1998. His family, especially his wife and his 15-year-old son, is believed to be continuously harassed. He reportedly had two operations on his testicles in June 1998 in the Netherlands and is being treated for cysts that are the alleged result of the pressure he had sustained. A medical report issued on 5 August 1998 is believed to confirm that he has been subjected to the treatment described above.

### Follow-up to previously transmitted communications

367. By letter dated 30 June 1998, the Government responded to an urgent appeal sent by the Special Rapporteur in August 1997 (see E/CN.4/1998/38/Add.1, para. 209). According to the Government, there has been

no hunger strike in the prisons referred to. Among the six individuals mentioned by the Special Rapporteur, only Abdol Reza Abedi was identified and the Government specified that he had been released on 3 September 1994 and was alive.

### Observations

368. The Special Rapporteur remains concerned both at the use of extreme forms of physical punishment, apparently in accordance with national law, and at the use of torture and other forms of ill-treatment for purposes of "investigation", in manifest violation of national law.

## Ireland

### Regular communications and replies received

369. By letter dated 5 November 1998, the Special Rapporteur advised the Government that he had received information concerning allegations of ill-treatment by the Garda Siochana, the Irish police force, of prisoners arrested following the murder of Garda Jerry McCabe in Limerick in June 1996. Twelve persons were reportedly arrested and subjected to various forms of abuse during their arrest and while in detention. On arrest, these individuals were allegedly subjected to high levels of aggression by the Gardai, ranging from general aggressive behaviour to threats of physical violence and murder. While in detention, the type of ill-treatment reported ranged from being insulted by individual Gardai to being assaulted and/or threatened with physical violence and even murder, which generally occurred during detainees' interviews. While the physical violence allegedly inflicted was generally low-level, some detainees reportedly had physical injuries and/or marks which were consistent with their accounts of being assaulted. These individuals were also reported to have been subjected to psychological intimidation and intense verbal abuse, a lot of it sexual in character and all of it degrading and humiliating. They were later all released, reportedly without having been charged.

370. In connection with this case, the Special Rapporteur transmitted the following information concerning two specific individuals. Jeremiah Sheehy was arrested on 8 June 1996 and charged with IRA membership and possession of a firearm. When he was remanded in custody at Portlaiose prison, the Department of Justice is reported to have announced that he had been found "to have some injuries" and that he had been taken from the prison to a hospital for further examination. John Quinn was arrested on 9 June 1996 on similar charges. He was reportedly taken to Limerick Regional Hospital four times during his detention and when he appeared in the Special Criminal Court on 12 June 1996 he had to be helped into the dock and lifted to his feet when the charges were read out.

371. By letter dated 10 December 1998, the Government responded that the Minister for Justice, Equality and Law had concluded that it would not be appropriate for him to take any action on the allegations of ill-treatment until the courts have fully disposed of the cases before them, in which four persons to date, including Jeremiah Sheehy, had been charged with the murder of Garda McCabe. The Government also indicated that John Quinn has been

charged with conspiracy and unlawful possession of ammunition on the day before the murder was committed. As all of the allegations of ill-treatment arise from the same investigation, the position of the Minister with regard to persons who have not been charged with any offence must, of necessity, await judicial determination in the cases of those who have. Finally, the Government stated that a number of individuals who allegedly complained of ill-treatment indicated to the Gardai, at the time of their release, that they had no complaint to make. Two others, although they advised that they would be pursuing a complaint through their legal advisers, had not done so.

## Israel

### Regular communications and replies received

372. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

373. Mamon Vousvous was reportedly arrested on 11 December 1997 on the street in Hebron's Old City by the Israeli General Security Service (GSS). He was detained for one night in Aduraim military camp and then transferred to the GSS interrogation wing of the Russian Compound Prison in Jerusalem. He was allegedly subjected to various forms of ill-treatment during his detention. According to a sworn affidavit he gave to his attorney on 19 January 1998, GSS officers made him stand in a half-sitting position with his hands cuffed behind his back and his feet cuffed. Every 48 hours he was allowed to rest for two hours. During the first 10 days of his detention, he was allegedly beaten and his arms were handcuffed very tightly behind his back. At the beginning of January 1998, he was allegedly subjected to shaking over a four-day period: two officers repeatedly held him by the throat and shook him for more than 20 minutes. He was handcuffed to a tiny chair that leant forward, his arms behind him and his hands made to rest on the top of a high table, while his legs were pulled forward. During long periods, he was ordered to stand up and sit down, over and over. He was also held in "shabeh", i.e., forced to sit on a chair, wrists handcuffed behind him, his legs bound and a thick sack covering his head with deafening music playing. On 21 January 1998, the day a petition was served to the High Court of Justice on his behalf, the State notified the court that the GSS had stopped using the above-mentioned methods of interrogation, although they were still continuing to hold and interrogate him.

374. Ali Balut, a Hebron resident, was allegedly arrested on 26 March 1998 and detained at Shikma detention centre, Ashkelon. In a sworn affidavit to his attorney, he stated that he had been subjected to various forms of ill-treatment. From 19 to 25 May, he was held in "shabeh". Loud music was reportedly played all the time and he was not allowed to sleep. He was also put in front of an air conditioner, which blew cold air on him.

375. Asam Halman was allegedly detained on 25 July 1997 and tortured during his interrogation at the detention centre in Jerusalem. He was reportedly forced to squat for various periods of time and subjected to "shabeh". He was reportedly hooded with a bag and loud music was played all the time, depriving him of sleep.

376. Khalil Karnaib, on behalf of whom the Special Rapporteur sent an urgent appeal to the Government on 22 August 1997, was reportedly tortured during his detention at Khiam detention centre. He was allegedly arrested on 13 July 1997. At the beginning of April 1998, he was reportedly transferred to Marjayun hospital with emergency medical conditions. Tortured during his detention, he is reportedly suffering from concussion and bleeding within the skull. It is understood that he has also become epileptic during his detention.

377. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 regarding which no reply had been received.

Urgent appeals and replies received

378. On 12 January 1998, the Special Rapporteur sent an urgent appeal on behalf of 'Abd al-Rahman Isma'il Ghanimat, who was reportedly arrested by Israeli security forces on 13 November 1997, and is said to be held at Shikma (Ashkelon) prison, where he has allegedly been tortured. According to a sworn affidavit given to his lawyer on 23 December 1997, he had been made to sit in the "shabeh" position for five-day periods for the preceding six weeks. At the same time, he was reportedly not allowed to sleep and obliged to listen to loud music. Applications to the Israeli High Court for injunctions against the use of these methods were refused on two occasions. On 8 January 1998, the detention was reportedly extended for a further 30 days by a military judge and, on the same day, 'Abd al-Rahman informed his lawyer that he was still being held in the "shabeh" position. By letter dated 25 February 1998, the Government stated that following the arrest of 'Abd al-Rahman Isma'il Ghanimat, who is accused of being the leader of the Surif terrorist cell, and his subsequent confession, his investigators had reasonable grounds to suspect that he was in possession of additional information which would help in the prevention of further imminent terrorist attacks. According to the Government, the methods of interrogation used against Mr. Ghanimat were necessary in order to obtain, as quickly as possible, information that was essential. Regarding the methods of interrogation, in particular the alleged deprivation of sleep and the "shabeh" position, the Government referred to the argument of the attorney for the State that, given the urgency of the situation and the importance of the information in Mr. Ghanimat's possession, investigation had to be intensive. Therefore, he was only permitted to sleep whenever the requirements of the investigation so permitted. The Government further stated that a sack was covering his head when he was in the presence of other suspects in order to prevent communication between them. The Government indicated that, in any event, the measures used could not be viewed as forms of torture in any objective sense. At the end of January, the investigation was said to have been concluded and an indictment containing several counts that are mentioned in the Government's reply to have been served on 'Abd al-Rahman Isma'il Ghanimat.

379. On 9 April 1998, the Special Rapporteur made an urgent appeal on behalf of Ahmed Halil Balbul, who was allegedly arrested on the Dead Sea road by traffic police on 26 February 1998, then taken to the Russian Compound in Jerusalem for interrogation. He was reportedly denied access to his legal representatives for 28 days, during which time the State Prosecutor's Office

reportedly testified before the Supreme Court that physical pressure was not being used against him. In a sworn affidavit to his lawyer, Ahmet Halil Balbul has reportedly stated that he was subjected throughout his interrogation to repeated beatings, including on the head, severe shaking, sleep deprivation and sexual harassment. He was said to remain in custody.

380. On 22 May 1998, the Special Rapporteur sent an urgent appeal on behalf of Saleh Shualha, who was allegedly arrested on 28 March 1998 and was currently detained in Shikma detention centre. He is said to have informed his lawyer on 7 May 1998 that he had been obliged to sit in the "shabeh" position, which caused swelling of his wrists, while being subjected to continuous loud music. He was also allegedly forced to kneel with his ankles tied while balancing himself on his toes, keeping his back straight and with his arms pulled behind him. Hazzem Salem Syuree, a Hebron resident, was allegedly arrested on 14 April 1998 and detained in Shikma detention centre. He reportedly informed his lawyer that he had been forced to sit handcuffed in a high chair with a sack over his head, subjected to continuous loud music. At night, he was allegedly forced to sit in a caravan in the "shabeh" position in front of an air-conditioner blowing cold air, and prevented from sleeping more than a few hours every few days. A petition made to the Supreme Court on behalf of both men on 8 May 1998 was reportedly withdrawn following assurances by the State Attorney that no physical force was being used on them, but they have allegedly continued to be subjected to similar treatment.

381. On 17 July 1998, the Special Rapporteur transmitted an urgent appeal on behalf of Ibrahim Hassan Ata Mussa, who was allegedly arrested on 25 June 1998, near Dir Sudan checkpoint in the West Bank. He has since reportedly been detained at the General Security Service interrogation wing of the Russian Compound in Jerusalem, because of alleged contacts with the Hamas organization.

382. On 20 July 1998, the Special Rapporteur sent an urgent appeal on behalf of the following three individuals. Mahmed Abid Alhimad Biyumy, a Gaza resident, was reportedly arrested on 13 June 1998 at the Raffiah crossing. He has since been detained at the Shikma detention centre, Ashkelon. He has allegedly been forced almost on a continuous basis into the "shabeh" position. Jimal A'Salaam Abu Hagy, a Jenin resident, was reportedly arrested on 14 April 1998. He was taken to the Kishon detention centre (Jalame) near Haifa. He reportedly complained to his lawyer that he had been beaten, violently shaken and had his beard pulled, as well as deprived of sleep during interrogation. Mahmad Dib Hamed Hamdan abu A'adi, a K'far resident, was reportedly arrested on 17 May 1998. He has since been detained at the GSS interrogation wing of the Russian Compound in Jerusalem. He reportedly suffers from an intestinal ailment for which he has undergone surgery and would consequently be especially vulnerable to physical pressure.

383. On 12 August 1998, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on violence against women on behalf of 'Abd al-Rahman Isma'il Ghanimat, Amira Isma'il Ghanimat and Rasmiya Isma'il Ghanimat. Abd al-Ghanimat, who was allegedly tortured under interrogation for more than 70 days from November 1997 until January 1998, has been returned to interrogation. On 4 August 1998, his two sisters, Amira and Rasmiya, were reportedly arrested. During interrogations, threats to rape wives or sisters

of detainees have allegedly been used to put pressure on them to confess. All three detainees are now held incommunicado in the General Security Service (GSS) wing of the Moscobiyya detention centre, where there are no special facilities for women.

384. On 4 November 1998, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent two urgent appeals. The first one was sent on behalf of Naziha Sa'id Akadar Abu-R., who was reportedly arrested on 26 September 1998 and who has since been held in incommunicado detention at the GSS interrogation unit of the Kishon detention centre. On 1 October 1998, his detention was said to have been extended for 30 days. Since his arrest, a series of "orders prohibiting meeting with counsel" have reportedly been issued. Abd el-Razak Hasib and his brother, Muhmed Sa'id Razak Hasib, who were reportedly arrested on 20 and 29 September 1998, respectively, as well as Hussam Sallah and Abd el-Azin Hussein who are said to have been arrested on 22 and 26 September 1998, respectively, are all reportedly held in incommunicado detention at the GSS interrogation unit of the Russian Compound in Jerusalem. Since their arrest, a series of "orders prohibiting meeting with counsel" have reportedly been issued. During the Military Court hearing on 6 October 1998, Abd el-Razak Hasib reportedly testified that he had been deprived of sleep for 12 days and beaten on several occasions while being interrogated. Hallar Tarak Harzallah and Ghaffar Yosef Hamad, who are said to have been arrested on 1 October 1998 and 28 September 1998, respectively, are reportedly held in incommunicado detention at the GSS wing of the Kishon detention centre. "Orders prohibiting meeting with counsel" have also reportedly been imposed.

385. The second urgent appeal was sent on behalf of Abd al-'Aziz Hussein, who was allegedly arrested on 26 September 1998, and has since been held in incommunicado detention. On 8 October 1998 a joint petition on behalf of him and three other people was made to the High Court for an interim injunction against the use of "physical pressure". In a High Court hearing on 9 October, the State was reported to have said that no physical force was used against three of the detainees. However, this assurance was allegedly not given for Abd al-'Aziz Hussein. Details of the methods of interrogation used against Abd al-'Aziz Hussein were reportedly given in a closed session and withheld from his lawyer. The court was not given any information concerning the reasons for his interrogation. On 13 October 1998, the court is said to have extended the order denying his lawyer access to him until 14 October.

386. The Special Rapporteur transmitted the following six urgent appeals on behalf of persons reportedly detained at al-Khiam detention centre in southern Lebanon. Former detainees at al-Khiam have made allegations of torture and denial of access to their lawyers, as well as long-term detention without trial.

387. On 19 December 1997, the Special Rapporteur sent an urgent appeal on behalf of two brothers, Ibrahim Iskander Abu Zayd and Bulus Iskander Abu Zayd, as well as the latter's wife, Yvonne Swaydi, who had reportedly been arrested by members of the Israeli Intelligence Service on 9 December 1997, in Jazzine, in the Israeli "security zone" in southern Lebanon.

388. On 9 January 1998, an urgent appeal was sent on behalf of 10 persons reportedly arrested by the Israeli Defence Force (IDF) in the Israeli "security zone" in southern Lebanon between 10 December 1997 and 4 January 1998: Nebil Hasan Jum'a, Shadi Sa'id Sabeq, 'Abbas 'Ali Sekkini, Nassar Hussayn Nassar, Marwan Kan'an, his wife Huda Marquis, her father Kamel Marquis, Bassam Ghader, Zayd Saryawi, commander of a Lebanese gendarmerie post in Hasbaya, and Khaled Diab. The arrests in Shab'a reportedly took place following the surrounding of the village by the IDF on 24 and 25 December 1997. Other residents arrested at the time were subsequently released. The Government replied on 13 January 1998 (see below).

389. On 18 March 1998, an urgent appeal was sent on behalf of Hassan Yahia, 'Adnan Yahia, Yahia Yahia, 'Abbas Nakhla, Hussain Mar'i, Bilal Abu Ta'am and Hussain Nasr, who were allegedly arrested by Israeli forces on 3 March 1998, during an Israeli raid on the village of Tayba, in the Israeli "security zone" in southern Lebanon. The Government replied on 26 March 1998 (see below).

390. On 30 April 1998, the Special Rapporteur transmitted an urgent appeal on behalf of 11 persons allegedly arrested by the Israeli Defence Force (IDF) in Israel's "security zone" in southern Lebanon between 2 March 1998 and 8 April 1998: Rabah Fayez Abu Qa'ur, aged 16, Muhammad Hussayn Qazan, aged 15, Yusef Dagher, Khidr Fu'ani, Haydar Haydar, Hussayn Haydar, Haytham Yunes, Muhammad Zaraqit, Fadi Qasem Hamdan, Fatima Ahmad 'Abd al-Nabi and her husband Muhammad 'Ali Masra. The Government replied on 5 May 1998 (see below).

391. On 3 June 1998, the Special Rapporteur transmitted an urgent appeal on behalf of 40 Lebanese nationals, including Muhammad 'Abbud, Qasem Ahmad al-Asmar and Yusef al-Hamushi, all from 'Edaysa village, as well as Nayef Gheyth, and 'Ali Muhammad 'Alayan, both from Rayadha village. All were allegedly arrested in the Israeli "security zone" in southern Lebanon on 27 May 1998, in connection with a bomb explosion near the village of Markaba on 27 May, and are reported to be currently undergoing interrogation by both the South Lebanese Army (SLA) and the Israeli General Security Service. It is believed that some may be held in Khiam detention centre in southern Lebanon, while others may have been transferred to Israel. The Government replied on 15 June 1998 (see below).

392. On 21 August 1998, the Special Rapporteur sent an urgent appeal on behalf of Ghassan Sa'id and Pierre Abu Joudi, Lebanese nationals and members of the Lebanese National Resistance Front (LNRF), one of whom was captured by the SLA or the Israeli security forces on 16 August 1998, while the other was reportedly killed by the SLA during the same operation. According to a statement issued by the LNRF, Ghassan Sa'id and Pierre Abu Joudi went missing during an operation against the SLA on the night of 16 August in the eastern sector of the Israeli "security zone". The Israel Defence Force spokesman's office confirmed that an LNRF member was being questioned by the security forces, but has not disclosed his name or whether he is being held by the SLA or Israeli forces.

393. The Government responded to these appeals by letters dated 13 January, 26 March, 5 May and 15 June 1998, in which it referred to previous communications regarding al-Khiam detention centre. The Government denied responsibilty for al-Khiam detention centre and stated that the centre was

under the control of the SLA. The communication also stated that the presence of the Israeli Defence Force in the zone was limited and restricted to specific and defined security objectives; therefore, the Government could not bear any other responsibility for the zone or for matters happening within it.

## Observations

394. The Special Rapporteur remains concerned that the continued use of "moderate physical pressure" as an aid to interrogation violates the prohibition of cruel, inhuman and degrading treatment, and in certain combinations, or over a certain period of time, the prohibition of torture. The findings of the Committee against Torture (A/53/44, para. 243) and the Human Rights Committee (CCPR/C/79/Add.93, para. 19) are consistent with this. He also notes that prolonged incommunicado detention (which tends to facilitate torture and ill-treatment), like prolonged solitary confinement, may itself amount to prohibited ill-treatment. The exorbitant periods of such detention permitted in the occupied territories lead to cases which, for that reason alone, violate the prohibition. He is also bound to note that the complaisance of the judiciary and other organs of the system for the administration of justice in these formally authorized practices can only tend to corrode the integrity of those organs, whose traditional commitment to the rule of law and human rights have in the past been internationally respected.

## Italy

## Regular communications and replies received

395. By letter dated 11 September 1998, the Special Rapporteur advised the Government that he had received information on the two following cases. By letter dated 18 September 1998, the Government sent to the Special Rapporteur the explanation that it had already transmitted in November 1997 to the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia.

396. Edward Adjei Loundens, a Ghanaian citizen residing in Denmark, was reportedly beaten by police officers while in transit at the Leonardo Da Vinci (Fiumicino) international airport of Rome on 30 December 1995. He allegedly was beaten by police officers, some of whom are believed to have used their guns to hit him in the stomach and on the side. After his arrival in Ghana, Edward Adjei Loundens reportedly went to a doctor to seek treatment. A medical certificate was issued by a doctor attached to a dental clinic in Accra on 29 January 1996. He reportedly continued to receive medical treatment in Denmark. He reportedly filed a complaint with the Italian Embassy in Denmark in March 1996 and received no response. A complaint was reportedly filed on October 1996 with the office of the Public Attorney to the Tribunal of Rome. The Government indicated that there was no evidence that he was subjected to any violence or harassment by the police. It further stated that he only sought medical treatment on 29 January 1995, which probably meant that he had been the victim of violence during the month of January in his native country.

397. Grace Patrick Akpan, an Italian citizen of Nigerian origin, was allegedly verbally abused (racially and sexually discriminatory insults) and

physically ill-treated on the street by two police officers who stopped her for an identity check in February 1996. At the police station, her requests for medical assistance were refused. Within hours of her release from police custody she was admitted to hospital for two weeks' treatment for a neck injury and various cuts and bruises. Following the filing of a complaint by Grace Patrick Akpan, the trial of the two police officers for serious bodily harm and use of threats was scheduled to open on 28 February 1997 before a court in Catanzaro. At the same time, she is said to be being tried for refusing to identify herself to a public official, for insulting and resisting a police officer and for causing one of them bodily harm. The Government indicated that legal proceedings were currently under way to determine the facts. Both Grace Akpan and the two police officers involved in the episode must appear before the Catanzaro court. The trial was scheduled to take place on 26 October 1998 and the Government indicated that it would inform the Special Rapporteur of the outcome.

## Ivory Coast

398. By letter dated 10 November 1998, the Special Rapporteur reminded the Government of cases which he had sent in 1997, to which he had received no reply.

## Jamaica

### Regular communications and replies received

399. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information that in 1994, after a hiatus of about 20 years, courts have resumed sentencing convicts to corporal punishment. Under section 3 of the 1942 Prevention of Crime Act, an individual convicted of one of the specified offences can be sentenced to flogging or whipping in addition to a prison term and, under section 4 of the Flogging Regulation Act, male inmates may be flogged for violating prison regulations. The administration of the flogging itself is governed by the Flogging Regulation Act and is carried out in the prison in which the detainee is serving his sentence. The Ministry of Justice reportedly stated in 1995 that corporal punishment remains constitutional under section 17 (2) of the Constitution, which preserves the constitutionality of laws which were valid prior to independence, even if they might now be considered to constitute torture and other forms of ill-treatment. Despite the recognition by the Ministry that such saving clauses should be abolished, no such amendment has reportedly come to a vote. The Special Rapporteur has received information concerning several sentences of flogging. He also received information concerning the following individual case, in which the sentence has already been executed.

400. Errol Pryce was allegedly whipped on 28 February 1997 as part of his criminal sentence. The day before his scheduled release from prison he was reportedly flogged in front of 25 prison staff members. He had no clothes on the lower half of his body and he was blindfolded. His penis was placed in a slot in a barrel and he was strapped to the barrel. Then a prison guard wearing a hood covering his face and a long gown concealing his body whipped him. He was subjected to six strokes with a tamarind switch.

401. The Special Rapporteur has also transmitted to the Government information concerning the conditions in detention and prisons. As far as pre-trial detention facilities in police stations and jails are concerned, they are reportedly overcrowded and unsanitary. Detainees have allegedly been forced to share small cells with up to 14 other inmates. Cells do not have toilets or buckets in which the inmates can relieve themselves. Further, inmates must sleep on concrete floors as cells do not contain bedding. Detainees are said to spend most or all of each day locked in these allegedly overcrowded cells. As far as conditions in prisons are concerned, the Special Rapporteur continues to receive reports that prisoners in the Gibraltar Block of the St. Catherine District Prison, i.e., the block where prisoners sentenced to death are detained, are reportedly confined for most of the day in cells which are so dark that many prisoners have reported vision loss and other eye problems. Some of the cells do not have electrical lighting and the only natural light comes into the cells through small grilles located high up on a wall. Sanitation is reportedly poor and the cells lack adequate air circulation. Inmates reportedly relieve themselves in buckets which must be kept in the cells from the time of their last meal at 4 p.m. until they are allowed to empty them the next morning. A gully filled with stagnant water is situated in front of the cells, emitting a noxious odour. Mattresses are reportedly not routinely provided to inmates. Most prisoners reportedly sleep on the concrete slab in their cells, which some have covered with newspaper or cardboard. Many reports allegedly complain about inadequate food and lack of access to medical treatment. There are also reports of assaults and beatings in the prison. Several prisoners were reportedly subjected to various forms of ill-treatment by guards searching for contraband, even if in the presence of high-ranking prison officials.

402. Lastly, the Special Rapporteur advised the Government that he had received information concerning Delroy Quelch, who was allegedly beaten by wardens of the Tower Street General Penitentiary in Kingston. On 5 November 1997, prison officials reportedly conducted a weapons search and in the process assaulted many inmates. They allegedly did not find any illegal articles in Delroy Quelch's cell but nonetheless ordered him out of the cell and began to beat him. The wardens reportedly hit him all over his body with a baton, then beat him back into his cell where he fell on the floor. While he was on the floor, one of the wardens is said to have stepped twice on his neck. After the incident, the prisoners are said to have been kept locked in their cells without food, water or medication and visitors were reportedly not permitted to see them. On 7 November he was permitted to go to the medical centre, but was reportedly ill-treated by a staff member and left without treatment or medication. On 8 November 1997, he finally saw a doctor, who prescribed medication, which he received on 9 November.

### Observations

403. The Special Rapporteur urges the Government speedily to remove from the law any provision contemplating corporal punishment for offences or as a disciplinary measure in prisons. Pending abolition, it is incumbent on the State to ensure that no such penalties are in fact carried out.

## Japan

### Regular communications and replies received

404. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received informaion on different alleged forms of ill-treatment of foreign nationals in police custody and daiyo kangoku ("substitute prison", i.e., detention facilities under police management), in immigration and detention centres. In particular, the Special Rapporteur has received information on the individual cases summarized in the following paragraphs. By letter dated 19 November 1998, the Government responded to these allegations.

405. Kevin Mara, a national of the United States of America convicted of drug-trafficking, reportedly began serving a four-and-half year prison sentence at Fuchu prison, Tokyo, in March 1993. As a punishment for alleged infrigements of the prison rules, he was allegedly forced to lie face down while eight prison officers pinned him down, stripped him naked and secured his hands in leather handcuffs attached to a leather belt around his waist, which was pulled so tight that he could hardly breathe. He was reportedly held in these handcuffs for 20 hours and then transferred to a hogobo ("protection cell", i.e., special cells in prisons and detention centres, where detainees may be restrained with leather or metal handcuffs attached to a leather belt, or with a straitjacket) for two days. He eventually brought a lawsuit against the State. Since the beginning of the proceedings in July 1996, his conditions of detention have allegedly worsened. He was allegedly placed in "strict solitary confinement" and was forced to sit alone in the same position in the middle of his cell. He is believed to have been released in December 1997 and to be currently living in the United States of America. First, the Government confirmed that the lawsuit was currently pending in the Tokyo District Court. Second, it stated that when Kevin Mara was notified that he was to be given 10 days in minor solitary confinement as a disciplinary punishment, he started to behave violently, which required the prison staff to use instruments of restraint, such as leather handcuffs, and to place him in a protection room. But, in accordance with regualtions and administrative instruction of the Director General of the Correction Bureau in the Ministry of Justice, due procedures in their use were ensured. Third, the Government indicated that, since Kevin Mara was behaving in an uncooperative way, repeatedly violating prison rules, it was deemed that there was a danger of him disturbing the maintenance of institutional discipline. He was therefore placed in solitary confinement in March 1996, i.e., before the actual beginning of the proceedings in his lawsuit, to engage in light work in his cell.

406. Arjang Mehrpooran, a 31-year-old Iranian national living in Japan, was reportedly arrested on 20 June 1994 in Ueno Park, Tokyo. The following day, he suddenly died while in police detention at Ueno police station. According to the police, he banged his head against a window frame in the bus during the ride between Ueno Park and Ueno police station and sustained a three centimetre gash on his forehead. After a short while in police custody, he is said to have complained of head pains and shortness of breath and was reportedly taken to a local hospital for treatment. Having been examined by a doctor, he was brought back to the police station. But he was soon taken back

to an emergency hospital as his health quickly deteriorated. His body was allegedly covered in numerous small injuries and wounds that had caused severe internal haemorrhaging. The case is said to have been referred to the Tokyo District Court. The Government confirmed the version of the police and added that a full medical examination, including a CT scan, concluded that he presented no symptom requiring his hospitalization, which explains why he was taken back to the police station. The Government further denied the allegation that he had been physically assaulted by immigration control officers. According to a forensic report, the cause of his death was not external and was certainly acute cardiac insufficiency. His family filed a lawsuit in October 1994 with the Tokyo District Court. They are said to have withdrawn their claim to ask another forensic expert for a counter opinion in February 1998.

407. Govinda Prasad Mainali, a Nepalese migrant worker in Japan, was reportedly arrested on 22 March 1997 because his visa had expired and taken to Shibuya police station in Tokyo. He was allegedly interrogated during several days. He was allegedly pulled by the shirt, shaken, pushed, beaten, kicked and pinned against the wall behind a table. The Government denied the allegation that he was ill-treated during interrogation and specified that he underwent six medical examinations during his detention, but never complained of anything. The Government added that as the case was still in process at the Tokyo District Court, it was inappropriate for it to mention other details as this could have some effects on the judgment.

408. Khalid Mirza, a Pakistani national, was reportedly arrested and taken to Osaki police station in Tokyo for questioning on 10 February 1995 on suspicion of drug-trafficking. Shortly after his arrest he reportedly underwent a short medical examination during which he unsuccessfully tried to tell the doctor about his history of "acute depression". He was reportedly held in _daiyo kangoku_ at Osaki police station for 41 days. During this time, he allegedly became very depressed and mentally unstable and was not treated for his depression. He was then reportedly transferred on 23 March 1995 to a solitary cell in Kosuge prison, Tokyo, to await trial. Solitary confinement and a lack of proper medical treatment are thought to have caused a further deterioration in his mental health. He therefore allegedly pleaded guilty in order to bring the case to an end as quickly as possible. On 18 May 1995, he was found guilty and sentenced to one and a half years in prison, suspended for three years. He was eventually deported back to Pakistan. The Government indicated that he underwent a medical examination through a qualified interpreter and was diagnosed as depressed. It further confirmed that he was held in a single cell, which nevertheless did not cause a deterioration of his mental health. Furthermore, he was given proper medical treatment while in detention. Lastly, the Government stated that nothing unusual during his trial hearings was recorded and that he never filed any complaint regarding his solitary confinement or regarding lack of proper medical treatment.

409. Son Jae-woo and Son Yong-jong, unrelated Republic of Korea nationals, held in neighbouring cells in the West Japan Immigration Detention Centre in Osaka, were allegedly subjected to severe ill-treatment during their detention. On 29 June 1994, allegedly because of some noise made by Son Yong-jong, they were taken out of their respective cells and severely beaten in the meeting room where detainees normally meet their visitors. They

were both allegedly subjected to a series of violent blows to their faces and bodies. The next day, they are said to have been taken to a nearby hospital for treatment. Son Jae-woo was sent back to the Republic of Korea on 12 August 1994, half-way through his medical treatment, and Son Yong-jong was deported on 2 July 1994 without having received proper medical attention. Son Jae-woo is said to have filed a plea for human rights assistance with the Osaka Bar Association, which subsequently conducted an inquiry into his treatment in the detention centre, the results of which reportedly corroborate his allegations of violent assault and ill-treatment. A first instance hearing into his suit for State compensation reportedly began on 30 June 1995 at the Osaka District Court and a judgement was expected early in 1998. The Government indicated that the force used by the officers was within the scope of proper conduct and that the injuries the detainees sustained were the result of their violent resistance. The Government added that, on 7 May 1998, the Osaka District Court dismissed Son Jae-woo's claim, finding that the force exercised by the Immigration Control Officers was not illegal. An appeal is now pending in the Osaka High Court.

Urgent appeals and replies received

410. On 23 January 1998, the Special Rapporteur sent an urgent appeal on behalf of Saeid Pilhvar, a 27-year old Iranian national who has been in detention since 1995 serving a sentence for robbery, first at Kurobane prison, then at Fuchu detention centre in Tokyo. He was currently unable to digest solid food and was undergoing rapid weight loss, which may only be resolved by specialist treatment in a civilian hospital. This condition has allegedly resulted from two periods of hunger strike in protest against his treatment and conditions in detention, during which time he was treated by forcible insertion of an intravenous drip into his right leg and his nose. The drip in his leg reportedly caused severe swelling and pain, and eventually numbness, necessitating the use of a wheel-chair. Although his leg was treated in a prison hospital in October 1997, his malnutrition was not successfully treated and he was now reportedly able to absorb only liquids. The Government replied on 10 March 1998 that appropriate treatment had been carried out to protect his physical and mental dignity, in full compliance with relevant laws and regulations. The Government stated that Saeid Pilhvar at present had no disease which required urgent special treatment. However, he was under treatment in the medical unit in Fuchu prison, where he was being held, as a result of his refusal to eat. Further, in response to his refusal to eat during his imprisonment in Kurobane prison, doctors attempted to administer water and nutrition orally, and then by an intravenous drip in his arm, but he refused both. Since there was a danger of vascular injuries due to his physical resistance, the doctor administered an intravenous drip in his thigh. Swelling appeared but disappeared soon and the numbness he reported was diagnosed to be a result of hyposthenia from his hunger-strike and a psychosomatic disorder. The Government referred to responses by Saeid Pilhvar in interviews by prison staff in which he cited reasons for his hunger strike such as to protest his trial, because of his desire to have Japan support his family and because of his wish to die. The Government further explained that if he continued his hunger strike the prison authorities would continuously try to persuade him to eat, endeavouring to ensure his mental stability, and, if necessary, administer an intravenous drip. The Government also stated that, if a complex disease which Fich prison could not treat emerged from his

long-lasting hunger-strike in the near future, the Japanese correctional authority would make every effort to protect him with its complete medical care system, including transfer to a medical prison or to a civilian hospital for special treatment.

Observations

411. The Special Rapporteur notes the concluding observations of the Human Rights Committee (CCPR/C/79/Add.102), in which the Committee expressed concern "about allegations of violence and sexual harassment of persons detained pending immigration procedures, including harsh conditions of detention, the use of handcuffs and detention in isolation rooms" (para. 19); serious concern "at the conditions under which persons are held on death row" (para. 21); and deep concern at "many aspects of the prison system in Japan", including "(a) harsh rules of conduct in prisons that restrict the fundamental rights of prisoners, including freedom of speech, freedom of association and privacy; (b) use of harsh punitive measures, including frequent resort to solitary confinement; (c) lack of fair and open procedures for deciding on disciplinary measures against prisoners accused of breaking the rules; (d) inadequate protection for prisoners who complain of reprisals by prison warders; (e) lack of a credible system for investigating complaints by prisoners; and (f) frequent use of protective measures, such as leather handcuffs, that may constitute cruel and inhuman treatment." (para. 27).

## Kazakhstan

Regular communications and replies received

412. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

413. Madel Ismailov, Chairman of the opposition Workers' Movement, is alleged to have been severely ill-treated during pre-trial detention. He was reportedly detained at work on 2 June 1997 and summarily sentenced in court to 15 days administrative arrest on charges of organizing an unsanctioned meeting on 1 May 1997 in Almaty. He was reportedly held in pre-trial detention for three and a half months. On 17 September 1997, during his hearing at the Almaliinsky District Court, he testified that beginning on 3 June he was beaten and humiliated by prison officials throughout the duration of his pre-trial detention. He claimed to have been subjected to beatings on the arms and back with rubber truncheons and to being forced to squat on swollen legs for half an hour or more. As punishment for a hunger strike, he was allegedly forced to spend four days in solitary confinement, karster, during which time he was not allowed to sit or lie down. He may have been subjected to ill-treatment as punishment for his opposition to the Kazakhstani regime and to frighten him into stopping his political activities. The Almaliinsky District Court reportedly gave him a non-custodial 12-month sentence, which was reduced to nine months because of his time spent in pre-trial detention.

414. Valeriy Tokonogov was allegedly detained and beaten by officers of the Ilyichyovsk District Department of the State Investigation Committee in March 1996. The officers allegedly handcuffed him and beat him on the head

and abdomen while interrogating him. He reportedly spent 22 days in hospital with damage to his spine, injuries detailed in a forensic medical report. To date, no inquiry is said to have been instituted into these allegations.

415. Yevgeniy Tarasov was reportedly tortured into making a confession after being detained on 18 November 1995 by officers of the Directorate of Internal Affairs in Pavlodar city on suspicion of murdering his girlfriend. The torture is said to have lasted throughout the night of his arrest and to have included beatings with truncheons while he was tied to a central heating radiator, and having a gas mask placed over his head with the air supply cut off until he fell unconscious. The next day he signed a statement confessing to the murder. At his trial, the Pavlodar Regional Court is reported to have rejected his complaints of torture and refused to admit corroborating testimony from former cell-mates. On 17 July 1996 the Pavlodar Regional Court reportedly convicted him of premeditated murder and sentenced him to 10 years in prison. On 3 April 1997, the Supreme Court upheld the sentence, despite the allegations of torture made in this case.

416. Natalya Zabolotnaya was allegedly beaten into confessing to the murder of her mother. She was said to have been held in solitary confinement in the building of the Ilyichyosk District Department of the State Investigation Committee, where, it is alleged, drunken law enforcement officers twisted her fingers, beat her with sticks and restricted her oxygen intake by placing cellophane over her head, thus forcing her to confess to the murder of her mother. A forensic medical report is said to support allegations of such ill-treatment. The outcome of criminal proceedings against the officers which was said to have been instituted by the Procurator of the Pavlodar Region is unknown.

417. Viktor Rukavishnikov was reportedly beaten into confession by law enforcement officers. He was reportedly detained on suspicion of murder by officers of the Bostandyksky District Department of the State Investigation Committee on 22 December 1996. During interrogation he is alleged to have been beaten in the kidneys and suffocated with a plastic bag. He was reportedly found guilty despite the fact that he reported the torture to the trial judge.

418. Sabit Kashkimbayev was allegedly beaten during interrogation. He was reportedly arrested on 27 November 1996 by officers from the Almaty City Department of the State Investigation Committee. During interrogation he is said to have been beaten in the kidneys and on the head, which damaged his eardrums and resulted in hearing loss.

419. Boris Dergachyov is reported to have been severely beaten after his arrest for supposedly stealing pigs in March 1996. He was allegedly detained by criminal investigation officers and then forced to confess after being severely beaten. A forensic medical report is said to confirm injuries. The Akmola police have reportedly stated that he sustained these injuries by falling out of a window.

420. Andrey Surgutskov was reportedly detained on suspicion of murder by officers of the Akmola Eastern Police Branch on 22 April 1995. At his trial

he is reported to have testified that he was beaten and partially asphyxiated with a gas mask and gas canisters before he confessed, but his claims were ignored.

421. Andrey Shtelts was reportedly subjected to physical duress during interrogation in order to extract his confession. He was reportedly detained in September 1995 by officers of the Zhezkazgan Police Department on suspicion of assault and battery. During interrogation he sustained injuries to his knee and elbow and two of his ribs were broken. His claims of physical duress are said to have been ignored during his trial.

422. Andrey Kolvakh was allegedly tortured during detention after having been detained on suspicion of extortion. Officers from the Uralsk City Department of the State Investigation Committee reportedly detained him on 13 March 1997. He was allegedly tortured during detention and as a result sustained a fractured clavicle, concussion and contusion of the kidneys.

423. Pyotr Privalov was reportedly forced to confess under physical duress after being detained by officers from the Kokshetau Municipal Police Department. The arrest was said to have been on suspicion of robbery and to have taken place in December 1995. Officers allegedly handcuffed him to a radiator, partially asphyxiated him with a gas mask and drenched him in cold water outside in freezing temperatures.

424. Gennadiy Yakuenko was reportedly beaten in August 1997 while detained by the Bostandyksky District Department of the State Investigation Committee. Officers allegedly beat him in the kidneys and face.

### Urgent appeals and replies received

425. On 26 October 1998, the Special Rapporteur, in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions, sent an urgent appeal on behalf of Khamit Memet and two other Uighur nationals from China who were reportedly in imminent danger of being extradited to Xinjiang Uighur Autonomous Region, People's Republic of China, where they would allegedly face torture and possibly execution. The three men were said to have been arrested while attempting to cross the border between China and Kazakhstan. They were apparently being detained in the "Investigation Isolation Prison" (SIZO) of the Committee of National Security (KNB) in Almaty. All three men are said to be suspected of involvement in "ethnic separatist" activities by the Chinese authorities.

## Kenya

### Regular communications and replies received

426. By letter dated 5 November 1998, the Special Rapporteur advised the Government that he had received information indicating that the police and security forces use torture or degrading treatment to punish both pre-trial detainees and convicted prisoners. Alleged ill-treatment primarily consists of beatings and whippings. It is reported that a number of people who died in police custody were victims of torture, including Moses Macharia in Gicheru and Ali Hussein Ali in Wajir. It is also reported that the Makuyu

"flying squad" police unit tortured a number of detainees during the course of 1997, several of whom died, including Joseph Mwangi, Muiruri, Irungu Kimani, Noah Njuguna Ndung'u, Joseph Ndung'u Njoroge, James Gitau Kuanju and Julius Mwangi Njoroge. The security forces are said to have randomly beaten (some, to death) and brutalized citizens in the Likoni and Kwale coastal areas, in connection with searches for raiders who perpetrated ethnic attacks in August and September 1997. There are also credible reports that the police also committed several rapes.

427. Security forces are also reported to have used excessive force to break up several pre-constitutional reform rallies in Nairobi between May and August 1997. They allegedly fired tear gas into crowds and beat participants and bystanders at random. Further, a number of the approximately 200 people arrested in connection with an August 1997 pro-reform rally that turned violent, resulting in four deaths, were allegedly subjected to torture, starvation and inadequate medical attention in Kamiti maximum security prison in Nairobi. On 27 January 1998, a peaceful demonstration held in Nairobi protesting violence in the Rift Valley was violently broken up by the police, with participants and bystanders once again being beaten randomly by the police. Further, the police allegedly used firearms indiscriminately in carrying out arrests, frequently leading to the death of the alleged perpetrator.

428. Prison conditions are reported to be life-threatening. Prisoners are reportedly subjected to severe overcrowding, inadequate potable water, poor diet, sub-standard bedding and deficient health care. According to the Government itself, 631 prisoners died in jails during 1997, chiefly from anaemia, heart attacks, malaria, typhoid fever, dysentery, tuberculosis and AIDS. Rape of both male and female prisoners is reported to be a serious problem. There is also a growing incidence of AIDS in the prisons. Prisons reportedly do not have resident doctors. Prisoners are reportedly subjected to torture and inhumane treatment by the police and prison guards.

429. By the same letter, the Special Rapporteur advised the Government that he had received information on the following cases.

430. Philip Eshialo, 13 years old, was reportedly arrested in March 1996 at Kakemega by police officers. He was reportedly detained for 10 days in connection with the theft of a bicycle involving his elder brother. He was allegedly beaten. No record of his complaint to the police is said to exist.

431. Solomon Muruli was reportedly arrested on November 1996 at the University of Nairobi, Kikuyu Campus, by police officers. He was allegedly detained for five days, during which time he was tortured while being questioned about student unrest. He died in suspicious circumstances in February 1997. One police officer has been identified as responsible for his alleged torture, and an inquest into his death was opened.

432. Noah Njuguna Ndung'u was reportedly arrested in May 1996 at Kandara by members of the Kandara police station. He allegedly died as a result of being beaten. The autopsy which was performed by a police pathologist and witnessed by a family doctor, reportedly found that he had died after being hit on the

head and chest with a blunt instrument, and wound marks on his buttocks were inflicted by a sharp instrument. It is reportedly not known if an inquest has been held into his death.

433. Kennedy Omondi Omolo was reportedly arrested in November 1995 at Jamhuri, near the Kenya Science Teachers' College by police officers from Jamhuri police post. He was reportedly tortured and eventually died after being shot in the stomach. Eight months after, the Attorney General reportedly ordered the arrest of the officers involved. The hearing was said to be due on 6 and 7 October 1997.

434. Yusuf Haji was reportedly whipped by four policemen in January 1997 in the Kibera section of Nairobi in the presence of the Provisional Commissioner.

435. By the same letter the Special Rapporteur reminded the Government of a number of cases transmitted in 1996 and 1997 regarding which no reply had been received.

### Follow-up to previously transmitted communications

436. By letter dated 13 February 1998, the Government responded to an urgent appeal sent by the Special Rapporteur in November 1997 on behalf of Patrick Wangamati (see E/CN.4/1998/38/Add.1, para. 231). It indicated that he had returned from a self-imposed exile in Ghana and was back with his family as a free man.

### Observations

437. The Government has invited the Special Rapporteur to visit the country in 1999. He looks forward to being in a position to obtain a more direct understanding of the situation.

## Kuwait

### Follow-up to previously transmitted communications

438. By letter dated 7 July 1998, the Government responded to an urgent appeal sent by the Special Rapporteur in April 1997 on behalf of Bahraini citizens (see E/CN.4/1998/38/Add.1, para. 232). It indicated that they had not been ill-treated and that they were currently being tried in accordance with Kuwaiti judicial procedures. It further indicated that the following persons had already been released: Abdul Jalil al-Shuwaikh, Isa Ahmad al-Hayiki, Muhammad Ahmad al-Hayiki and Rashid Abdullah Rashid Khalil. The other persons referred to in the urgent appeal were still being investigated in connection with the matter in question.

## Kyrgyzstan

### Urgent appeals and replies received

439. On 26 October 1998, the Special Rapporteur sent an urgent appeal on behalf of Mamatiskamov Abdunazar, Nishanbaev Shuhratbek, Halilov Rasuljon, Myrazakulov Jekshen and eight other unnamed persons, who were allegedly held

in the Jalal-Abad temporary detention centre. These detainees were allegedly being subjected to physical and psychological pressure to coerce them to confess. The detainees are usually fed only once a day and on some occasions have been kept without food the entire day. They are also believed to be held incommunicado in severely overcrowded cells which contain no facilities enabling inmates to observe basic rules of personal hygiene. The cells reportedly lack proper ventilation and the inmates are not allowed to leave the cells to get fresh air.

## Lao People's Democratic Republic

### Urgent appeals and replies received

440. On 20 October 1998, the Special Rapporteur sent an urgent appeal on behalf of Latsami Khamphoui and Feng Sakchittaphong, two former government officials who had advocated peaceful political and economic changes in Laos. They were reportedly detained in October 1990 and sentenced to 14 years' imprisonment after an alleged unfair trial in 1992 on several charges, including "propaganda against the Lao People's Democratic Republic". They are both believed to be suffering from serious health problems, for which it appears they have not been provided with adequate medical care. Feng Sakchittaphong reportedly stays lying down, while Latsami Khamphoui is reportedly very weak and has lost a lot of weight. The two above-named persons are reportedly detained in extremely harsh conditions at Prison Camp 7 in a remote area of Houa Phanh province, where it is believed there are no medical facilities. In mid-February 1998 one of their friends, Thongsouk Saysangkhi who had been arrested at the same time and in the same circumstances, reportedly died from complications related to diabetes. By letter dated 17 November 1998, the Government responded by indicating that the concerned authorities had provided due care to these individuals while in custody. A permanent medical attendant was appointed to look after their well-being. It further stated that Thogsouk Saysangkhi had regularly been treated for diabetes, but confirmed that he died in February 1998. Concerning the two other prisoners, the authorities concerned had confirmed in October 1998 that they were in good health and were receiving appropriate treatment.

## Lebanon

### Regular communications and replies received

441. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

442. Antoinette Yusuf Chahin was reportedly arrested and detained on 9 June 1994 on the alleged accusation that she was involved in the murder of Father Sam'am Boutros al-Khoury on 11 May 1994 in Ajeltoun. She was reportedly kept in solitary confinement for the first month of her detention, during which period she was allegedly tortured by security officers in order to compel her to confess her guilt. A medical report issued one week after her arrest reportedly established that she had bruises on her arms, apparently where she had been suspended from the ceiling, as well as a large bruise on her feet and ankles as a result of a blow from a solid object, and that her feet were swollen from being scalded in hot water. Further, she reported internal bleeding in her uterus as a result of being beaten while suspended

from her arms. The forensic report on Antoinette Chahin was reportedly submitted to an investigating judge on 20 June 1994. On 7 January 1997 she was reportedly sentenced to death, commuted to life imprisonment with hard labour, for participating in the crime. In February 1997, a public prosecutor reportedly issued a press release mentioning that the security officers had denied under oath that the defendant had been tortured. The allegations of ill-treatment have nevertheless not been independently, impartially and publicly investigated. She is reportedly currently detained in the women's prison of Baabda and to have been transferred to hospital several times during her detention.

443. Tareq al-Hassaniyah reportedly died in Beit al-Din prison in March 1994, allegedly from injuries he had sustained when his head was beaten against a wall. Up to seven members of the security forces were reportedly arrested in connection with his death. The results of the investigation into this case are not known.

444. Munir Mtanios reportedly died in custody in February 1996, allegedly as a result of torture. An investigation is said to have been launched into this case, but the outcome was never made public.

### Urgent appeals and replies received

445. On 17 December 1997, the Special Rapporteur sent an urgent appeal on behalf of a group of demonstrators who were reportedly arrested by Lebanese security forces in East Beirut on 14 December 1997 in front of the MTV television station. Among those arrested are said to be the following persons: Hikmat Dib, Georges Haddad, Tony Harb, Dani Aoun, Rabi' Trabulsi, Patrick Khouri, Wadi' Chukaib Ghurtubawi, Georges 'Attallah, Toni Munayber, Shafiq Sassin, Wasim Sa'b, Toni 'Attiq, Ziyad 'Absi, Elias Nimr Haddad, Elane Germani, Pierre Hayek, George Soma, Rita Kirouz, Bassam Latif, Nazar Khouri, Gilber Chahine, Rahi Sam'an, Michel Kirouz, Husam 'Unaysi. They, and many others, were reportedly protesting against the Government's decision to ban a live MTV interview with former Lebanese army commander General Michel 'Aoun. The police and security forces are said to have used excessive force against the demonstrators, including the use of batons, tear gas and water canons. Several demonstrators reportedly suffered injuries. Some of the protestors were reportedly detained in al-Hulu barracks prison in Beirut.

## Lesotho

### Regular communications and replies received

446. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on Rekselisitsoe Nonyana, who was reportedly arrested on 5 March 1998 and held without charge until his release on 9 March. During the time he spent in police custody he was allegedly denied food and when he complained of being hungry police officers slapped him, kicked him and beat him in the stomach with batons. By letter dated 14 November 1998, the Government indicated that he was neither tortured, nor denied food while in detention.

## Libyan Arab Jamahiriya

### Regular communications and replies received

447. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on methods of torture and other forms of ill-treatment reportedly applied against detainees during interrogation to extract confessions, which in turn are used to incriminate them. Methods are said to include: beating, including *falaqa*, i.e. beatings on the soles of the feet, hanging by the wrists from a ceiling or high window, or being suspended from a pole inserted between the knees and elbows, electric shocks, burning with cigarettes and being exposed to aggressive dogs, resulting in bite wounds. Psychological ill-treatment reportedly includes death threats and threats of abuse against the prisoner and his/her family, particularly female relatives. In particular, political discourses are reported to be broadcast repeatedly, loudly and late into the night in Abu Salim prison, where long-term political prisoners and detainees are held. This practice is believed to be used to deprive them of sleep. Another method which seems to be constantly used is "car torture", in which the detainee is allegedly left in an extremely small room that resembles a box and is forced to sit on an uncomfortable chair for weeks, with hands tied behind the back. These methods are said to be used in detention centres and in prisons in particular, Abu Salim prison is said to have underground rooms beneath the prison administration building which are used for interrogation and torture.

448. By the same letter, the Special Rapporteur advised the Government that he had received information concerning the death in custody of several political detainees. Their deaths were allegedly the result of torture and other forms of ill-treatment, as well as harsh prison conditions, including lack of adequate medical care, overcrowded prison cells, poor diet and poor hygiene. Injuries sustained during interrogation are also said not to receive adequate medical treatment. In that connection, the Special Rapporteur has received information on the individual cases summarized below.

449. Mohammad al-Fourtiya reportedly died at the end of 1994 or early in 1995 in Abu Salim prison. He was believed to have been suffering from high blood pressure and diabetes, for which he had not been receiving adequate medical care in prison. He had reportedly been held without charge or trial since 1989.

450. Al-Haddar Ben-Hayal reportedly died in 1994 allegedly because of lack of adequate medical care. He had reportedly been detained without charge or trial since 1989 and was said to have been suffering from paralysis in prison.

451. Nouri Shalfit allegedly died in prison in 1993 or 1994, he had reportedly been held without charge or trial since 1989. He was said to have been tortured repeatedly during the first months of his detention in Abu Salim prison and was frequently denied food.

452. Tawfiq 'Awadh Jaber al-Hariri was said to have died in prison in 1994. He had reportedly been suffering from heart problems. Following an alleged unfair trial, he was said to have been sentenced to life imprisonment by a court in Benghazi in 1991 and to have been imprisoned in al-Kuwayfiya.

Jamal al-'Arbi, who was reportedly arrested in Tripoli in 1989, allegedly died in custody in 1992. Ahmad al-'Amari reportedly died in custody in 1992. The deaths of these three detainees were allegedly caused or precipitated by medical neglect.

453. Gasmalla Osman Hamad Sharah reportedly died in custody in the summer of 1996 as a result of medical neglect. He was said to be suffering from ill-health and was under treatment in Tripoli Central Hospital when he was reportedly arrested by the security forces and taken to al-'Ataba prison in Tripoli. He was reportedly taken to al-Kufra camp near the Sudan border where he died, allegedly because of lack of medical care in the camp.

### Urgent appeals and replies received

454. On 3 July 1998, the Special Rapporteur made an urgent appeal on behalf of several persons in a number of major cities, particularly Benghazi in north-east Libya, allegedly arrested on suspicion of sympathizing with the Libyan Islamic Group. Those persons included Mohammad Faraj Al-Quallal, who, on 5 June 1998, was reportedly arrested at his house by masked plain-clothes security men who gave no reason for the arrest. His whereabouts are unknown.

### Observations

455. The Special Rapporteur notes the concluding observations of the Human Rights Committee, which was "deeply concerned over persistent allegations of systematic use of torture and cruel, inhuman or degrading treatment or punishment" (CCPR/C/79/Add.101, para. 10) and recalled that flogging as a criminal penalty violated the prohibition of torture or cruel, inhuman or degrading punishment and should cease immediately (para. 11).

## Malaysia

### Urgent appeals and replies received

456. On 3 April 1998, the Special Rapporteur sent an urgent appeal on behalf of 10 Acehnese persons, including A Qader Hasan, Iqlil Hyas Leube, a member of the Acehnese Refugee Committee in Malaysia, Zahizi Tengku Ubaidullah, Musanna Tengku Abdul Wahab and Muhammad Diah Badai, who were reported to have been taken into custody by the Malaysian authorities on 18 March 1998. All were reported to hold identity cards issued either by the Malaysian authorities or by the Office of the United Nations High Commissioner for Refugees granting them permission to remain in Malaysia. No reason was given for their arrest, but as a number of other Acehnese in possession of official residence cards had reportedly been amongst those deported to Indonesia in recent days, it was believed that the above-named persons were at risk of similar refoulement. Reports had been received that asylum-seekers deported from Malaysia to the province of Aceh in Indonesia since 26 March 1998 were being detained in Rancung military detention facility in Lhokseumawe, where they were said to be undergoing questioning. Access to the detainees by local human rights lawyers had allegedly been denied. By letter dated 27 April, the Government explained that the Government considered all illegal immigrants to be economic immigrants, as opposed to political, and therefore made no differentiation between immigrants from Acheh and other Indonesian illegal

immigrants. Further, the Government stated it had received unequivocal assurances from the Government of Indonesia that the returning individuals would not be subjected to ill-treatment or torture.

457. On 4 May 1998, the Special Rapporteur sent an urgent appeal on behalf of nine Acehnese believed to be held in incommunicado detention in various police stations throughout Malaysia: Yusra Habib bin Gani, a prominent member of the Acehnese Refugee Committee in Malaysia (ARCM) and Hasan bin Ahmad, a prominent member of the Aceh-Sumatra National Liberation Front (ASNLF), who were both arrested in Johor Bahru on 27 April 1998 and are believed to be detained at the local police headquarters; Razali bin Abdullah, also a prominent member of ASNLF, who was arrested on 23 April and is held at police headquarters at Bukit Aman, Kuala Lumpur; Ishak Daud, a member of ARCM, Syahrul Syamaun, Muhammad Nasir Bin Usman, Ibrahim bin Daud, Bakhtiar bin Usman and Sofyan bin Husan, a member of ASNLF. The latter six detainees were reportedly detained at various locations in Malaysia between 24 March and 21 April 1998, but their whereabouts remain unknown. The above-named persons have allegedly been arrested in connection with their ASNLF activities and also as a result of allegations that an "insider" may have "tipped off" other Acehnese about the mass repatriation operation on 26 March, hours before it happened. By letter dated 3 June 1998, the Government reiterated its reply of 27 April 1998. It further indicated that, among the nine persons mentioned, only three had been arrested: Yusra Habib Abdul Gani, Razali Abdullah and Hassan Ahmad. According to the Government, they had received visits from their families. Sofyan Hassan and Ishak Muhammad Daud were arrested on 3 January 1998, but released on 12 January 1998.

458. On 1 October 1998, the Special Rapporteur sent an urgent appeal on behalf of Anwar Ibrahim, former Deputy Prime Minister and Finance Minister. The following day the police lodged affidavits with the High Court containing allegations including sexual impropriety, tampering with evidence and bribery. He was reportedly arrested under the Internal Security Act on 20 September 1998, after leading a demonstration in Kuala Lumpur calling for the resignation of Prime Minister Mahathir Mohamad. He has since been detained incommunicado in unknown locations. On 29 September 1998 he reportedly appeared in court showing visible marks of ill-treatment, including a black eye that has allegedly impaired his vision and affected his balance. During the hearing, Mr. Anwar told the judge of a severe beating he suffered on the first night of his detention while he was handcuffed and blindfolded. He was allegedly boxed very hard on his head. He was reportedly denied any medical treatment and was not eating well, resulting in a loss of weight. Prime Minister Mahathir Mohamad is said to have declared that he would investigate claims by his former deputy. In connection with Mr. Anwar's arrest, the following persons, most of them political allies, are believed to have been arrested between 20 and 22 September 1998: Ruslan Kassim, Ahmad Zahid Hamidi, Ahmad Azam Abdul Rahman, Mukhtar Redhuan, Shaharuddin Baharuddin, Abdul Halim Ismail, Kamarudin Jafaar, Kamaruddin Mat Noor, Tamunif Mokhtar, Amidi Abdul Manan, Professor Siddiq Baba, Ahmad Shabrinin Mohamad Sidek, Asmon Ismail and Dr. Zamri Abdul Kadir. All the above-named, as well as S. Nallakarupan, who had been arrested in July, are reportedly detained incommunicado under the Internal Security Act, in unknown locations.

459. On 26 November 1998, the Special Rapporteur sent an urgent appeal on behalf of Tian Chua, a member of the human rights group SUARAM, and three other persons. They were reportedly arrested on 21 November 1998 late at night, in Kuala Lumpur, after the break-up by the police of the weekly "reformasi" demonstrations. Tian Chua was one of the main organizers of the Asia Pacific Peoples Assembly (APPA), which was held in Kuala Lumpur prior to the tenth Ministerial Meeting of Asia Pacific Economic Cooperation (APEC). On 16 November 1998, he and Robert Reid, a trade unionist from New Zealand, with whom he had earlier appeared on television to criticize the APEC agenda, were allegedly harassed and videotaped by the police outside the Putra World Trade Centre, where the APEC Business Summit dinner gala was being held. It is alleged that Tian Chua's arrest is linked to these demonstrations. It was not known where he and the other three persons arrested at the same time are currently detained.

## Mexico

### Regular communications and replies received

460. By letter dated 5 November 1998, the Special Rapporteur advised the Government that he had received information according to which prisoners had been subjected to torture and to other forms of cruel, inhuman or degrading treatment in the Reclusorio Norte of Mexico City. It had been reported that there were power groups in the penal establishments which controlled all the activities of the establishment with the connivance of the prison guards.

461. The Special Rapporteur mentioned information according to which several joint operations had been carried out by the army and the State Judicial Police in the area of San Agustín Loxicha, Oaxaca, between April and August 1997. As a result of those operations, several persons, who had been considered disappeared, had been located in various detention centres, saying they had been subjected to torture and other forms of cruel and inhuman treatment. The cases involved the following persons.

462. Odilón Ambrosio Antonio was arrested on 19 July 1997. He disappeared for 14 days, during which time he was interrogated with blows and threats concerning the People's Revolutionary Army (EPR) and the activity of members of his community. Juanuario Crispín Almaraz Silva and Eloy Hugo Almaraz Silva were arrested on 4 August 1997. Both were reportedly beaten and forced to denounce their neighbours. Ponciano García Pedro, Alfredo García Luna and Celso García Luna were arrested on 7 August 1997. After being severely beaten, they were allegedly transferred to the prison of Ixcotel in the city of Oaxaca. Maximino Sebastián Juárez was arrested on 12 August 1997. He was allegedly beaten and intimidated during his interrogation. Santiago Antonio Antonio and Marcos Antonio Juárez were arrested on 15 August 1997. They were allegedly tortured psychologically. Mario Cruz López was apparently arrested on 20 August; he was allegedly interrogated concerning the actions of the EPR and tortured psychologically prior to being released on 25 August.

463. The Special Rapporteur also mentioned other individual cases.

464. Silviano and Herminio García Hernández were arrested in the community of San Vicente Yogondoy, in Los Loxichas, Oaxaca, on 7 August 1997, in the course of an operation conducted by the judicial police. They were allegedly beaten and threatened and until October 1997 their whereabouts were unknown.

465. Hector Montoza Fernandez was imprisoned in the Reclusorio Norte of Mexico City on a charge of sexual abuse. When he appeared before the judge, he was released on 17 June 1998 for lack of elements with which to try him. On arriving at the Reclusorio Norte, he was allegedly punished and beaten by a guard.

466. Daniel Colín Enciso, Juan Carlos, Iván Mareno, Román Morales Acevedo, Carlos Alberto López Inés and Angel Leal Olinares were arrested on 8 September 1997 in the Buenos Aires district of Mexico City by police officials. On the following day, their bodies were found bearing marks of torture. The Special Rapporteur on extrajudicial, summary or arbitrary executions had sent a communication concerning the same persons, dated 8 October 1998.

467. Edgar Fausto Viveros Hernandez was arrested on 6 November 1997 by judicial police of the special Tlalnepantla group and taken to security premises in the State of Mexico, where he was allegedly tortured. According to reports, large quantities of water were forced into his mouth, while he was beaten to confess about the location of a cellar, where stolen objects were allegedly kept.

468. Vicente Luna Gurrola and Miguel Amaya Rodríguez were allegedly burned and asphyxiated on 5 October 1997 in the prison of Peñón Blanco. According to reports, the cell they were placed in was a pigsty without light, drainage or the cement board to sleep on. They were apparently not given any food or even water.

469. Jorge Nava Aviles was arrested with violence on 27 January 1997 in Jiutepec, Morelos, by agents of the Preventive Police of the State of Morelos and on the following day handed over to the State Judicial Police. On 29 January, members of the Federal Police of Caminos had reportedly found the body of José Nava Avilles, when they arrested three persons who supposedly claimed they had abandoned the body. The three persons arrested were identified as: Armando Martinez Salgado, Director of the Anti-Abduction Unit of the State of Morelos; Miguel Espinoza Lopez, Deputy Commander of that Unit; and Jacinto Arizmendi, an agent of the Unit. Several authorities of the State of Morelos were allegedly involved in this and in other cases as accomplices, including the Government Procurator of the State of Morelos, the Director of the State Judicial Police and the State Governor.

470. Aureo Mendoza Rosales was abducted on 3 September 1997 by members of the Anti-Abduction Group. Before killing him, the judicial police reportedly tortured him with electric prods in the testicles and in the eyes, and inflicted beatings.

471. Angel and Natanael Hernández Villa were reportedly tortured and beaten at their home, in Colonia Independencia, on 2 June 1997 by members of the Judicial Police attached to the Anti-Abduction Group, before being sent to the premises of the State Judicial Police (PJE).

472. Pedro Anaya, Luis Hernandez, Silviano Lopez, Hector Cruz, Juan Ulises Garcia, Raymundo Armas, Guadalupe Segura, Mario Perez, Homero Lopez and Adan Chagoyan, 10 youths aged between 14 and 16, living in the street, were arrested on Tuesday, 14 April 1998 in the Alameda Central of Mexico City by police officials using a car with registration plates C-186 and a riot police van with registration plates No. 17525. The police allegedly beat them with weapons while they were detained. The 10 youths were transferred to the sixth division of the Public Prosecutor's Office.

473. José Luis Blanco Flores was arrested on 29 March 1998 in Atoyac, State of Guerrero, by agents of the Judicial Police of the State of Guerrero acting together with special forces of the Anti-Abduction Group. When the arrest took place, Blanco Flores was allegedly bundled into a van and beaten. According to reports, he was later tortured with water and ground pepper in the nose and with attempted rape.

474. Manuel Ramírez Santiago and Fermín Oseguera Santiago, Presidents respectively of the Committee for the Defence of Peoples' Rights, a human rights organization, and the Workers' Union AC, were reportedly arrested on 22 October 1996 in the town centre of Tlaxiaco, State of Oaxaca, by members of the PJE. They disappeared and were later released. During their detention in a secret centre, while they were being interrogated regarding the activities of the EPR, they were allegedly beaten, subjected to electric shocks and half-asphyxiated.

475. Felipe Sánchez Rojas, President of the Regional Indigenous Development Centre (CEDRI), an NGO operating in Oaxaca, was arrested on 29 October 1996 near the CEDRI by security forces. The latter reportedly transferred him to an unknown location and released him on 2 November 1996. While he had disappeared, he had allegedly been interrogated, beaten, tortured and threatened with the killing of human rights workers known to him.

476. Martín Barrientos Cortés was abducted on 28 May 1997 near his community of El Cucuyachi, State of Guerrero, by members of the army and released on 9 June 1997. While he had disappeared, he had been tortured, in particular with beatings, electric current and semi-asphyxiation. The army personnel involved were not tried.

477. Fredy Nava Ríos, aged 16, an army recruit, disappeared on 25 May 1997. He was allegedly arrested at the military barracks of Atoyac, State of Guerrero, where, according to reports, he was blindfolded and beaten by soldiers of the barracks. He was then transferred to Military Camp No. 1 of Mexico City. Since then and until the end of February 1998 he was reported as disappeared.

478. Mario Santiz Ruiz and Sebastián Gómez Gómez, both under age, were arrested along with 26 adults on 10 June 1998 in the municipality of El Bosque, in Chiapas, by armed personnel in the course of a joint operation

carried out by the Mexican National Army (ENM), the Public Security Police (PSP), the State Judicial Police (PJE) and the Federal Judicial Police (PJF), in the presence of several officials of the Public Prosecutor's Office, three notaries and officials of the National Information and Security Centre, attached to the Ministry of the Interior. Youths and adults had reportedly been wounded or killed during the operation. Mario Santiz Ruiz was allegedly physically and psychologically tortured. Sebastián Gómez Gómez was said to have been tortured by being beaten all over the body.

479. Cenobio Sixto Santos, aged 17, and Eminio Sánchez Sixto were reportedly beaten by members of the Federal Army, on 26 March 1998, in the community of Barrio Nuevo San Josê, in the municipality of Tlacoachistlahuaca in the State of Guerrero. Cenobio died as a result of the beatings, while Eminio suffered fractures. On the same day Eminio Sánchez Sixto were reportedly arrested by the Federal Army together with another four men of the community of Barrio Nuevo San José. There is still no news of these men.

480. Felipe de Jesûs Barron Chávez, a homeless child in Mexico City, was reportedly attacked and punched by an official of the Public Security on 29 March 1998, and taken to No. 1 Unit of the Public Security, Sector 15 South.

481. Estanislao Gutiérrez Gonzâlez and Custodio Gómez Salvador, on 25 June 1998, in the community of Monte Grande, municipality of Geyuen de Catalân Gro, were reportedly beaten and psychologically tortured by members of the 40th Army Infantry Battalion under the orders of Captain José Ernesto Lorín Pomposo of the PJE, with Assistant Procurator Jesûs Alemân del Carmen, the court officer of the Public Prosecution Agency Hebert-Buitrón and officials of the Office of the Attorney-General of the Republic and the Municipal Police.

### Urgent appeals and replies received

482. On 22 April 1998, the Special Rapporteur forwarded an urgent appeal on behalf of the following persons: Tomás Sánchez Gómez, Nicolás Mazariego Pérez, Antonio López Vázquez, Nicolas López Vásquez, Sebastián González, Mateo González López, Justino Sánchez López, Luis Menêndez Medina and Sergio Valdez Ruvacalba, members of the Tzeltales Association, who were reportedly arrested, on 11 April 1998, in the community of Taniperla, State of Chiapas, by security forces and taken to the State Procurator's office in Tuxtla Gutiérrez, State of Chiapas, where they are being held incommunicado and might be subjected to torture or ill-treatment. In the same urgent appeal, the Special Rapporteur brought to the Government's notice the case of the following members of the "Fray Pedro Lorenzo de la Nada" Association, who were reportedly arrested on 13 April 1998 in the community of Taniperla by the same security forces, and who were also taken to the State Prosecutor's office in Tuxtla Gutiérrez, State of Chiapas: Miguel Hernández Pérez, Fidelino Cruz Mendoza, Manuel Hernández Pérez and Andrés Gutiérrez Hernández. By letter dated 6 June 1998, the Government replied that the National Human Rights Commission had initiated an inquiry. In accordance with its powers, the Commission had apparently taken swift action to avoid harm which would be difficult to remedy. The arrests referred to had reportedly taken place during an operation of the security forces to restore constitutional order in

the community of Naniperla, municipality of Ocosingo, where it had been reported that a so-called "Ricardo Flores Magón autonomous municipality" had been established, outside the law.

483. On 24 April 1998, the Special Rapporteur, jointly with the Special Rapporteur on Violence against Women, sent an urgent appeal and a letter from the High Commissioner for Human Rights to the Government concerning 190 women of the Asociación Rural de Intereses Colectivos Independientes (ARIC) of the community of Taniperlas, State of Chiapas, who were allegedly threatened with rape if they did not supply information concerning the whereabouts of their husbands and sons, in hiding for fear of arrest. The threats were made by members of the paramilitary group known as "Movimiento Indígena Revolucionario Antizapatista" (MIRA). By letter dated 29 April 1998, the Government replied that it had received no complaint regarding the alleged sexual threats made against the women. Had there been such complaints, the Mexican authorities would immediately have investigated the facts at hand, and would have taken the necessary protective measures. By letters dated 22 May and 29 June 1998, the Government sent additional information supplied by the National Human Rights Commission (CNDH), by the Attorney-General of the Republic and by the Mayor of Taniperla, Chiapas, according to which the national authorities had opened complaint proceedings, in response to the complaint of the Mexican Human Rights League. Moreover, the CNDH had requested that the Governor of the State of Chiapas take due and effective precautionary measures to guarantee the physical integrity of the 190 women referred to in the complaint. Furthermore, inspectors attached to the CNDH had come to the community in order to deal with the matter, but had been prevented from investigating the problem by a local "guard", who prevented any alien or foreign person from entering. On the same occasion, the CNDH staff had questioned some Zapatista supporters, who happened to be in the community. The latter stated that they had not been threatened in any way. In another interview, members of the ARIC stated that they had not lodged any complaint and that they were not aware either whether the women of that community had been threatened or molested. Despite the aforegoing, the Government bodies responsible said they were continuing to investigate the case.

484. On 11 June 1998, the Special Rapporteur sent an urgent appeal on behalf of Bernardino García Francisco, Javier Angel Severiano, Francisco Cristino Crecencio, aged 15, Arcadio Alonso Martínez, Eugenio Ambrosio Trinidad, Martin Macario Salazar, Porfirio Hernández Francisco, Alfonso Oliver Morales, Iván García Cristiano, Adrian Patriarca Agustiano, Pedro Barrera Daniel, Albino Santos Concepción, Lázaro Pelaes Castro, Vincente Vázquez Díaz, Aurelio Porfirio Catarino, Bernabé García de Jesús, Pedro Esteban Abril, Serafín Morales López, Julian Ramírez Crecencio, Adelfo Filiberto Concepción, Arnulfo Santiago Hernández, Efrén Cortés and Ms. Erika Zamora Pardo, members of the Mixtec community of El Charco, State of Chiapas, supposedly members of the People's Revolutionary Army. They were reportedly arrested on 7 June 1998 by army personnel. Some of the above-mentioned persons were allegedly wounded and were apparently in the naval hospital of Zone 18a.

485. On 26 August 1998, the Special Rapporteur, jointly with the Chairman and Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal on behalf of Francisco Cristino Crecencio, aged 15, who had reportedly been arrested after being shot at on 7 June 1998 by army personnel in the community

of El Charco, State of Guerrero. Shots were allegedly fired, resulting in 11 deaths and followed by at least 23 arrests. The person is at present held in the "supervised hostel" in Chilpancingo, State of Guerrero, arbitrarily charged with being a member of the EPR.

486. On 20 November 1998, the Special Rapporteur, jointly with the Chairman and Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal to the Government concerning Fructuoso Mena de la Cruz, who, on the grounds of being a member of an armed group and responsible for the murder of Apolinar Benitez Nieves, was reportedly arrested on 5 November 1998 during a check in the locality of Arroyo del Ocotillo in the municipality of Benitez, Guerrero. The whereabouts of Mena de la Cruz are not known at present. According to the sources, Valente Zamora Cruz was arrested in the same circumstances, and his whereabouts are not known either. The Rapporteurs also drew the Government's attention to the case of Carlos Montes Villaseñor, who according to the sources was arrested on 13 November 1998 in El Achotal, municipality of Atoyac de Alvarez, Guerrero, by army personnel of the 60th Battalion acting under the orders of Captain Constantino Rodriguez, without any arrest warrant being produced.

487. Owing to limited human resources, the Government's replies dated 12 January, 26 February, 29 April, 22 May, 6 and 29 June, 14 July and 3 and 26 November 1998 could not be included in this report, but will be in the next.

## Morocco

### Regular communications and replies received

488. By letter dated 10 November 1999, the Special Rapporteur reminded the Government of a case which he had transmitted in 1996 and on which no reply had yet been received.

### Urgent appeals and replies received

489. On 12 December 1997, the Special Rapporteur sent the Government an urgent appeal concerning Ali Salem Mohamed Salem El Mami (alias Tamek) and Youssef Abderrahman, both supporters of the movement Frente Popular para la Liberación de Saguia el Hamra y Río de Oro (Polisario Front). They were reportedly arrested on 2 December in Dakhla, in western Sahara, by members of the Moroccan security forces and held in unknown whereabouts. On 15 January 1998, the Government reported that the persons concerned had been tried before the Court of First Instance of Dakhla on charges of possession and contraband of cigarettes, infringing customs legislation regarding the passage of cattle within the land customs area without authorization, and importing contraband cattle. The Court had cleared the accused and the Prosecutor had appealed. With regard to the fears expressed concerning torture, the Government indicated that the persons concerned had made no statement to that effect, either before the State Prosecutor, or before the judge when the Court had tried them on 11 December 1997. Their arrest and their preventive detention had been conducted in accordance with the law.

## Myanmar

### Regular communications and replies received

490. By letter dated 29 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

491. James Leander Nichols, the consular representative for Norway, Denmark, Finland and Switzerland, reportedly died in custody on 22 June 1996, allegedly as a result of ill-treatment. He had reportedly recently been sentenced to three years' imprisonment and a fine for illegal possession of communication equipment. He had allegedly been arrested because of his relationship with Daw Aung San Suu Kyi. He had been taken to Insein Special Prison in May 1996, where he was said to have been interrogated several times by Military Intelligence Service officers. Upon his arrival, he was reportedly forced to sit in a poun-san position, i.e., to sit cross-legged on the floor with his hands on his knees, back straight and head bowed. Despite the fact that he was suffering from acute dysentery and diabetes, he was allegedly not given either proper food or medicines. His health is believed to have quickly deteriorated. It is not clear whether an autopsy was performed. To date authorities are believed not to have satisfactorily replied to the four above-named countries' endeavours to obtain a full written account of events leading up to and surrounding his demise. This case was already mentioned in the report of the Special Rapporteur on the situation of human rights in Myanmar to the General Assembly in 1996 (A/51/466, para. 77).

492. Thar Nyunt Oo, a leader of the student movement, was arrested in September 1990 and sentenced by the Special Military Court to five years' imprisonment. He was detained at Insein prison from September 1990 until November 1991. He was reportedly interrogated during the first two weeks, during which time he was confined to a small cell under continuous strong light, the intensity of which would be increased if he refused to answer a question. He was deprived of sleep for 60 or 70 hours at a time, beaten and kicked, and made to stand on his toes for hours at a time; meanwhile, his legs were kept in irons with manacles around his ankles and an iron bar between his legs. In 1991, Thar Nyunt Oo and other prisoners who had gone on strike were said to have been placed in solitary confinement and kept in leg irons. They were allegedly forced to stand with their upper bodies bent forward for up to 30 hours. They were reportedly prohibited from bathing for one month and were forced to make admissions of guilt. Thar Nyunt Oo was transferred to Thayet prison in November 1991 and then to Monywa prison in December 1992. He was finally released in November 1994. He resumed his political activities and was forced to flee the country in December 1996.

493. Loong Pain Nyar was allegedly beaten to the point of unconsciousness by 30 soldiers of the State Law and Order Restoration Council (SLORC) on 30 March 1997. On the accusation that the villagers had supplied Shan soldiers with food, the soldiers are said to have burned down the village of Wan Mai Si Lee and beaten Loong Pain Nyar, the headman of the village.

494. Zai Nyunt was allegedly beaten and killed by SLORC No. 515 troops from Laikha on 13 November 1996 near Wan Lauy village. The soldiers allegedly tied him up with a rope and beat him repeatedly while they questioned him.

Eventually, since they did not obtain satisfactory answers from Zai Nyunt, the soldiers allegedly threw him, tightly bound by the rope, into the Nam Taeng river. His body is said to have been found after six days by some villagers.

495. Na Ling and Loong Thark Khe were allegedly murdered and Maha Wee, Sai Thun, Pae Ti and Maha Tum, as well as two women, Nai Lu Mae and Nang Suay Oong were reportedly tied up and beaten by the SLORC No. 332 troops. The soldiers allegedly looted Long Maw village on 27 January 1997.

496. Pi Laek, Loong Yawd, Sang Wan Na, Kup Kham, Nang Hawng, Zai Mawng, Zai Li, Sang Wan Na and Nang Ngern Lu, aged 12, all villagers from Sai Murng were reportedly beaten by SLORC No. 43 troops on 10 February 1997. The soldiers allegedly destroyed property in the village and murdered Loong Aung.

497. Loong Mae Tha and Loong Khur Harn were reportedly murdered and Zai Awng Pa, Nan Ta To and Nang Sa reportedly badly beaten by SLORC soldiers between 29 August 1996 and 15 February 1997. The five above-named persons, residents of Kun Sai and Wan Mai, were allegedly forced to leave their villages on 10 February 1996. Since that time, soldiers are reported to have ill-treated anyone they see who has returned to the farms or paddy fields of the two villages. Villagers have allegedly been beaten, arrested, or forced to go with the soldiers and deprived of food. The two murdered villagers, Loong Mae Tha and Loong Khur Harn, were reportedly beaten to death in the bush outside the village on 23 January 1997.

498. Zarae Wan Na, Mu Ling, Pu Zan Da, Ar Law Ka, Ai Long, Ai Lu, aged 15, and Zai Saw, all seven from Loi Keng village, were reportedly arrested and five of them beaten on 11 November 1996 when SLORC troops allegedly ransacked the village. The soldiers are alleged to have tied the five to trees and beaten them, before going back to loot the village.

499. Pa Nya Paw, a Karen Buddhist, died allegedly as a result of being tortured by the army (tatmadaw) during interrogation. He was reportedly detained and interrogated by Division 22 of the tatmadaw in early April 1997 and allegedly asked if he knew the whereabouts of the Karen National Liberation Army (KNLA) and who owned the village threshing machine. The soldiers allegedly punched and kicked him, breaking his limbs. They reportedly smothered him with plastic and poured boiling water over his head.

500. Loong Awng La and his wife, Pa Leng, and their daughter, Nang Nu Harn were allegedly assaulted by SLORC troops from Laikha in their home on 20 April 1997. Fifty SLORC No. 64 IB soldiers reportedly took Loong Awng La to another house and tied him up. In addition the soldiers allegedly raped Pa Leng and Nang Nu Harn.

501. The Special Rapporteur transmitted to the Government the following information concerning monks allegedly tortured or ill-treated.

502. Venerable Ein Taga was allegedly tortured to death in late March 1997 by SLORC No. 524 LIB troops at Kyawng Long monastery in Kho Lam. They disrobed him and dragged him with his hands tied all the way to Kho Lam military base, where they allegedly interrogated him while torturing him and beating him until he died.

503. Venerable Yan Na, the abbot of Kaeng Kham village temple, was allegedly drowned in late March 1997 by SLORC No. 246 troops. He was reportedly arrested at his monastery in Kunhing township. The soldiers are said to have disrobed him before taking him away for questioning. During interrogation they reportedly bound his hands and feet, put him in a sack, tied the sack closed and submerged him in a stream. He was allegedly held under water for a few minutes and then brought up again and asked more questions. This process was allegedly completed several times until he died.

504. Vi Seng Tar was allegedly disrobed and beaten on 20 March 1997 by SLORC soldiers who reportedly found a radio while searching Jong Saai Khao temple in Saai Khao village. They reportedly insisted that the radio was from the Shan United Revolutionary Army (SURA) and beat Vi Seng Tar, who was said to have bought the radio in China. The soldiers allegedly forcibly disrobed him and beat him unconscious three times. Then they allegedly took the monk one mile south of the temple and were about to kill him when he escaped. The soldiers reportedly shot after him and missed. Vi Seng Tar is said to have fled to Thailand.

505. U Yana was allegedly killed by SLORC soldiers in March 1997. The soldiers reportedly came to the village in Kunhing township looking for the abbot of the new monastery in the village. When they found him they allegedly tied him to a post for the entire day and the night. They allegedly tied his hands behind his back and dragged him to the other side of the Nam Pang River, where they took his robe and gave him laymen's clothes. Then they allegedly put a rifle on his shoulder and forced him to look for Shan soldiers. Eventually the soldiers reportedly told a group of 20 porters, villagers whom they had seized at the same time as the monk, to kill him. When the porters refused, the soldiers are said to have shot him themselves and to have thrown his body into a valley.

506. Information received by the Special Rapporteur indicates that sexual violence against women, including rape, is frequently committed by members of the tatmadaw in an effort to use, threaten, intimidate and abuse women. The victims are civilians, often ethnic minority women and girls, and the perpetrators are reported to come from all ranks within the tatmadaw hierarchy. The Special Rapporteur has received the following information concerning individual cases.

507. Nang Zarm, an 18-year-old Shan girl, was reportedly raped by SLORC troops who came to the village of Waeng Nur on 6 April 1997. SLORC No. 45 IB troops had come to the village the day before to meet with the community leaders. While there the first time, a major, whose name is known, reportedly noticed Nang Zarm. When he returned in plain clothes with some of his men on 6 April he is said to have gone to the house of Nang Zarm and her parents. He reportedly sent her parents out to get food and told his troops to wait downstairs. Then he allegedly went upstairs and raped Nang Zarm. After she complained about what had just happened, the major is said to have denied Nang Zarm's allegations and slapped her until her face was swollen all over.

508. Nang Than, a 16-year-old girl, was reportedly raped by a SLORC major whose name is known. On 1 April 1997, the major and some of his troops came to the house of Nang Than's parents in the village of Wan Beang Khan. He is

said to have sent her parents away and to have told his troops to wait under the house. He allegedly took Nang Than inside, saying that he needed to search the house for illegal possessions. Then he allegedly raped her. Nang Than reported the rape to other villagers, but when the headman came to question the major, the latter reportedly denied the accusation and beat Nang Than unconscious.

509. Nang Hla, aged 16, Nang Sai, Nang Bok and Nang Tun were allegedly raped on 2 April 1997 by SLORC soldiers. The alleged rapes happened when the women, who had been forced to move to Kunhing township, had returned to Nong Khan village to retrieve some of their belongings. While they were there, a major whose name is known and 26 soldiers from LI No. 424 were said to have come into the village. The major reportedly raped the women first and then told his soldiers to rape them as well. Afterwards, the soldiers are believed to have burned down 35 houses in the village.

510. Nang Sa and Nang Sarm were reportedly raped by SLORC No. 378 LIB troops. The rapes are alleged to have taken place in the village of Nawng Hai on 18 April 1997.

511. Nang Pang was reported to have died after being kicked and raped by SLORC soldiers in her own home. The soldiers reportedly came to Wan To Mon village in October 1997 and went to Nang Pang's house and asked her where the headman's house was. She responded that she did not know. The men allegedly realized they were alone with her and raped her. Afterwards, a lieutenant reportedly kicked her in the chest when she threatened to report the rape to the soldiers' captain. She is believed to have been hospitalized in Thailand with a swollen heart and lungs and died in January 1998.

512. Nang Ing allegedly died as a result of injuries she sustained at the hands of SLORC soldiers who raped and tortured her. She had reportedly returned along with her husband to Wa Na San village to collect their rice. When soldiers appeared, her husband managed to escape but the soldiers reportedly caught Nang Ing and accused her of giving rice to the insurgents. Then the soldiers allegedly raped her and poured boiling water on her. Her husband and mother reportedly found her a few days later and took her to Laikha, the town to which they had been forcibly relocated. Nang Ing is said not to have been taken to a hospital by her relatives for fear of repercussions. She reportedly told her mother what had happened before she died.

513. The Special Rapporteur has also transmitted information on the practice of forced portering, whereby military forces arbitrarily detain civilians for the purpose of forcing them to do heavy work. Most persons who have experienced forced portering duties have reportedly been ill-treated. Porters unable to carry their required loads of supplies and ammunition are allegedly often punished by such methods as repeated beatings with bamboo sticks or rifle butts and deprivation of food, water, rest and medical treatment. In this connection, the Special Rapporteur has received information on the following individual cases.

514. Ai Mart, Pan Zig Ta and Ai Ti, all three from Kung Sarm Kyawng village, are said to have been seized to be porters while they were fishing on 3 April 1997. They were allegedly beaten to death near Wan Sai Khao by SLORC troops from the 55th Division.

515. Zai Long was reportedly seized for forced portering duty by SLORC No. 66 troops on 26 October 1996. He was reportedly seized from Kung Mark Ki Nu village. The troops allegedly tied both of his hands to a yoke, with which he was forced to carry heavy loads. This reportedly went on for 14 days. For much of this time his hands remained tied and while he was eating soldiers would untie just one of his hands. Eventually, they reportedly responded to his pleas and untied his hands. However, when he became too weak to carry the heavy load the soldiers allegedly beat him, kicked him and left him in the forest.

516. Pa Kler, a Karen Buddhist man from Kawkareik township, Kayin State, was reportedly killed during forced portering duty in mid-1996. While out working in his field, he was allegedly ordered by a group of 40 soldiers to come with them in order to work as a porter for four days. He reportedly became sick and weak and when he could no longer carry his load of mortars and rice the soldiers allegedly beat him with the butt of a rifle until he died.

517. Hla Du was allegedly tortured and killed when he and nine other men were forced to work as porters in July 1996. He had reportedly been ordered to carry a load of food and ammunition. In front of the other porters, the soldiers are said to have beaten him, gouged his eyes out, broken his limbs and finally stabbed him to death in the ribs.

518. Loon Khem, Waling, Tawna and Ai Mih were reportedly beaten and stabbed to death by SLORC soldiers in February 1997 in Wan Yot. All of the residents of Wan Yot had been expelled from the village in 1996 and warned not to return. However, these four men were among a group of six villagers who had returned to Wan Yot in order to retrieve some rice. All six were allegedly seized by SLORC soldiers while they were hiding in a hut in the forest. Two were able to escape and tell others what happened, but the others were allegedly stabbed and beaten to death.

519. The Special Rapporteur has also received reports suggesting that forced relocation of civilians has been carried out on a widespread basis by the tatmadaw in an attempt to remove groups of ethnic minorities or groups perceived to adhere to certain political beliefs. The process of forced relocation has been reported to involve intimidation and threats, as well as the use of physical force and ill-treatment. The following cases have allegedly occurred in the context of forced relocation.

520. Zai Kaw Kam was reportedly arrested and assaulted on 1 November 1996 by SLORC troops. The soldiers were said to have been ransacking Nam Hoo Loi Mi village when they found Zai Kaw Kam hiding in a hut. They allegedly tied him to a yoke and took him to the banks of the Nam Taeng river, where they kept him tied for two days. When troops from Loi Awn military camp in Murngkerng arrived, they reportedly interrogated him on the accusation of being a rebel.

While they interrogated him, the soldiers are reported to have held a plastic sheet over his face three times for 15 to 20 minutes and to have hit him in the face with a gun and a magazine until blood streamed out of his mouth.

521. Za Ling, Zik Ta, So Pe Ta and Aye La, aged 13, were allegedly killed after the forced relocation of the village of Wan Nang. The three farmers had gone back to Wan Nang in search of their cattle. Seventeen soldiers from Kho Lam military camp reportedly came upon them. A porter who witnessed the incident allegedly reported that the farmers were interrogated about Shan soldiers, each tied to a tree, then stabbed to death one after another.

522. King Htun and his son, Ai Lick, were allegedly murdered and their wives raped by the _tatmadaw_. The villagers were reportedly harvesting rice in their fields after the relocation deadline in mid-1997. While other villagers remained hidden in the field, members of the _tatmadaw_ are said to have caught these two, stabbed them to death and thrown their bodies in the Nam Pang river. Their wives were also reportedly caught. The soldiers allegedly tied the women to a plum tree, stripped them naked and raped them. The women were reportedly held for five days.

523. Nang Mai and her brother, Pin Ya, were also reportedly murdered in April 1997 when they returned to harvest rice in a town from which they had been forcibly relocated. Pin Ya was reportedly carrying rice back to Kunhing town when soldiers shot him dead. Nang Mai, on the other hand, was allegedly seized by the military and raped over five days in the deserted village of Wan Lac. Then soldiers are said to have covered her with wood and burned her to death.

### Urgent appeals and replies received

524. On 27 May 1998, the Special Rapporteur sent an urgent appeal on behalf of Ko Aung Tun and U Myo Htun, who were allegedly currently held incommunicado in solitary confinement in Insein prison. Both were said to have been arrested in February 1998 in connection with the writing and distribution of a book concerning unrest in the country, and to have been sentenced to imprisonment on charges relating to collaboration with terrorist groups. They were reportedly beaten. Both men were reported to be currently in need of urgent medical attention. By letter dated 2 July 1998, the Government replied that both men had been sentenced to prison after due process of law for transgressing existing laws of the land, and were serving their sentences at Insein Penitentiary. The Government further stated that, in accordance with the Prisons Acts, both had received visits from their families and each had received a medical check-up on 8 June 1998 by the Prison Medical Officer. Neither of them was found to be suffering from any form of grave illness.

525. On 23 October 1998, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal on behalf of Dr. U Saw Mra Aung, an 80-year-old elected member of Parliament, who was allegedly arrested on 6 September 1998. On 7 October 1998, the State Peace and Development Council reportedly announced that 54 people had been arrested in connection with a conspiracy to "incite unrest" by members of the National League for Democracy and students, said to be allied with foreign organizations. Some of those detained before

the 7 October press conference were severely beaten during interrogation, and may not be receiving such medical assistance as they might require as a result. By letter dated 3 December 1998, the Government responded that Dr. U Saw Mra Aung had not been arrested, but was comfortably accommodated at a government house where he was accorded due courtesy and respect. It also indicated that he had unlimited access to his family.

### Observations

526. The concerns expressed by the Special Rapporteur in his previous report (E/CN.4/1998/38, para. 141) remain applicable.

## Namibia

### Urgent appeals and replies received

527. On 4 March 1998, the Special Rapporteur made an urgent appeal on behalf of Thomas Namunjepo, Shindongo Namene, Petrus Mutukuta, Christiaan Sam Edward and Jonathan Kambonde, who were reportedly detained in Windhoek prison, awaiting trial. They have allegedly been kept in chains continuously since August 1997, with the exception of Christiaan Sam Edward, who is said to have been chained since 12 September 1997. An application filed with the High Court for an interim order to remove the chains was reportedly refused on 27 February 1998. The chains were reportedly placed on the above-named persons by the local prison authorities, in response to a failed escape attempt on 11 August 1997, without holding an inquiry or hearing into their proposed use. They are said to consist of two metal rings joined by a chain approximately 30 centimetres long, and to be worn by attaching a ring to each leg just above the ankle in such a way that they cannot be removed. The chains are allegedly heavy and tight around the ankles, making it difficult to walk, exercise, sleep or wash. Their long-term use is reported to cause abrasions around the ankles, pain in the lower abdomen, weakening of the knees due to lack of movement, and numbness in the ankles and feet.

### Follow-up to previously transmitted communications

528. By letter dated 11 December 1997, the Government responded to an urgent appeal sent by the Special Rapporteur in September 1997 on behalf of Deogratias Mugisa (see E/CN.4/1998/38/Add.1, para. 268). The Government indicated that he had not been subjected to any inhuman treatment, and that he had failed to convince the members of the Eligibility Committee that he had a well-founded fear of persecution in his country of origin. The Government also indicated that he has since left for the Republic of South Africa.

## Nepal

### Regular communications and replies received

529. By letter dated 2 September 1998, sent in conjunction with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that they had received information on Bina Karki C., a 17-year-old woman who was allegedly sentenced in early May 1998 to a term of imprisonment in the women's prison of Kathmandu Central Jail. On 11 June 1998, three

female prison guards reportedly accused Bina Karki C. of making eye signals to a male prison guard in the security tower. When she denied the accusation, the guards allegedly proceeded to beat her for approximately 15 minutes, kicking her in the stomach and legs with their boots, pulling her hair and dragging her on her abdomen. She was taken to Bir hospital the following day, complaining of severe abdominal pain, weakness and bleeding from the vagina. These complaints appear consistent with the Emergency Department medical report, which indicates that her physical examination revealed tenderness just above the pubic region. The doctor on duty also reportedly stated that she may have suffered from internal bleeding in the abdomen. She was allegedly treated with painkillers at the time, but has not received any further treatment in spite of the reported deterioration of her condition. She has since allegedly been held incommunicado. An agreement said to have been made by the prison authorities to sanction the guards thought to be responsible has reportedly not been followed up.

530. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

531. Hem Bahadur K.C., aged 9, and Tilak Bahadur Shah, aged 10, from Beluwa-9, Bardiya, were reportedly detained without an arrest warrant at the Bardiya police station on 30 March 1998. The detentions occurred following the death of another child, Prem Bahadur Lohar, apparently as a result of a blow to the navel while the boys were playing on 26 March 1998. On 30 March, Hem Bahadur and Tilak Bahadur Shah were brought to the police station, where they were subsequently detained for 22 days. Both reported that they were severely ill-treated by police, while the rest of the time they were made to wash dishes and clean.

532. Dhan Bahadur Karki was arrested by police in Dumse on 22 March 1998, for alleged involvement in the illegal possession of weapons by a group in the Bhutanese refugee camp in Beldangi. At the police station in Damak, he was allegedly tortured by five policemen during interrogation. He was slapped on the face and hit all over the body, following which he was hung by the hands from a window railing while police continuously beat him for two hours until he lost consciousness. On the next day he was taken to the District Administrative Office in Chandragadhi, where he was jailed as he could not pay the required bail. He was taken by the jail authorities to hospital, purportedly for the treatment of a dog bite sustained prior to arrest.

533. Sunil Adhikari, Suman Adhikari, Satya Narayan Khojwar (Tharu), aged 17, Mandip Adhikari and Purna Prasad Thanet were reportedly beaten by police with fists and sticks, and kicked on 9 June 1997, in the village of Rajahar. The police had reportedly been travelling in a bus on the highway when children playing with a dead snake tossed it on top of the bus, before running away. The police stopped and detained the above-named persons found in the area. All were allegedly beaten at the time of arrest, dragged onto the bus and taken to the Kawasoti police office. Upon the release of the five individuals the following day, they all had severe injuries. In particular, Sunil Adhikari was reportedly seen to have swellings on his head and bruises on his back. He died that afternoon. According to the Medical Superintendent of Bharatpur hospital, the post-mortem report showed that he had a head injury, a blood-clot in the brain, and bruises on various parts of the body.

News of his death reportedly sparked off a protest demonstration by a large number of villagers, demanding punishment of the guilty policemen. It resulted in the police post and two police vehicles being set on fire. Several villagers were allegedly injured by the police, who beat them with sticks on the head and other parts of the body. Those allegedly beaten by the police include Chet Bahadur Gharti, Kamal Kumari Tiwari and Hari Pariyar.

534. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1995, 1996 and 1997 regarding which no reply had been received.

### Observations

535. The concerns expressed by the Special Rapporteur in his previous report (E/CN.4/1998/38, para. 146) remain applicable.

## Niger

536. By letter dated 10 November 1998, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 regarding which no reply had been received.

## Nigeria

### Regular communications and replies received

537. By letter dated 5 November 1998, the Special Rapporteur advised the Government that he had continued to receive information that police and security officers seeking to extract confessions regularly beat suspects, detainees and convicted prisoners. Forms of torture reported to be used include whippings, suspension by limbs from the ceiling, burning with candles and extraction of teeth. Detainees are often reportedly kept incommunicado for long periods. Relatives and friends of wanted suspects are regularly placed in detention without criminal charge to induce suspects to surrender. There are also continued reports of torture and abuse by the Rivers State Internal Security Task Force in Ogoniland, including extrajudicial killings, indiscriminate and excessive use of force to disperse rallies, beatings with a gun butt and whippings.

538. The Special Rapporteur also transmitted information indicating that police use flogging, stripping and acts of public humiliation, such as duck-walking or crawling, as punishment for minor offences or public disturbances. Caning remains a form of punishment for some crimes, and four men were publicly caned in 1997 with 100 strokes after a court convicted them of adultery under the Penal Code. It is also reported that the police frequently intervene in personal disputes and publicly strip or whip alleged offenders. Further, it is alleged that the police and security forces often use force or threats to extort money from civilians. According to the information received, the Government neither acknowledges nor denies that security abuses occur, and leaves perpetrators unpunished. Those security officials who are punished merely face dismissal from service or more often, demotion or a "stern reprimand".

539. Prison and detention conditions remain life-threatening. Lack of potable water, inadequate sewage facilities and severe overcrowding result in unhealthy and dangerous sanitary conditions. Disease is reportedly pervasive in the cramped, poorly ventilated facilities, and there are chronic shortages of medical supplies. Prison officials, police and security forces often allegedly deny inmates food and medical treatment as a form of punishment or to extort money from them. Reports of sexual abuse of women prisoners is common. It is reported that 56 prisoners died in 4 Lagos prisons in 1996, 43 of whom were males awaiting trial. These deaths were allegedly attributed to malnutrition, torture and tuberculosis.

540. By the same letter, the Special Rapporteur also advised the Government that he had received information on the following cases.

541. Joseph Kpakoi was reportedly arrested on 3 October 1996 allegedly because of his political activities. He allegedly died of torture at the police headquarters in Port Harcourt.

542. Chief S.K. Tigidam was one of 30 men allegedly arrested and flogged in Zaakpon for commemorating Ogoni Day on 4 January 1997. He reportedly died in June 1997 as a result of the ill-treatment he had suffered. He was said to have been given 64 strokes of the cane.

543. Saturday Naadah was reportedly arrested on 28 January 1997. The soldiers carrying out the arrest allegedly fractured his skull with the butt of a gun.

544. Samuel Asiga was reportedly tortured and shot dead by soldiers on 12 February 1997 after attempting to visit Ogani detainees held at a military camp at Afam, about 30 kilometres east of Port Harcourt.

545. Chief Oni Egbunine was reportedly arrested on 1 July 1997 by soldiers after his newspaper alleged corruption among State officials. He was said to have been flogged until he was unconscious.

546. Oby Eke-Aghabai, Chair of the Imo State Council of the Nigeria Union of Journalists, was reportedly told on 3 September 1997 that she was not welcome at the State Military Administrator's offices at Government House in Owerri, Imo State, and was whipped with a belt by security guards at the gate.

547. Colonel Lawan A. Gwadabe and Lieutenant-Colonel M.A. Igwe, serving sentences of life and 25 years' imprisonment respectively following secret treason trials held in 1995, reportedly suffered partial paralysis after being tortured.

548. Batom Mitee, the brother of the acting president of the Movement for the Survival of the Ogoni People (MOSOP), Ledum Mitee, was reportedly tied to an electric pole and whipped severely in January 1998 in connection with Ogoni Day. He was last seen on 7 January at Bori, stripped naked in his cell. He was reportedly bleeding profusely from injuries sustained under torture, had severe swelling and bruising and was weak and unable to speak. He was allegedly being denied food and medical treatment.

549. Tombari Gioro was among dozens of MOSOP supporters, along with Batom Mitee, arrested by armed troops in Bori in January 1998. Those arrested were reported to have been beaten with rifle butts and electric cables, and subsequently to have been denied food and medical attention for their injuries.

Urgent appeals and replies received

550. On 16 January 1998, the Special Rapporteur sent an urgent appeal on behalf of Chima Ubani, Secretary General of the Democratic Alternative (DA) and National Secretary of the United Action for Democracy, both pro-democracy groups, who was reportedly arrested on 14 January 1998 and was currently held in an unknown location. He was allegedly arrested without a warrant by eight armed members of the Special Security Services during a press conference held at DA headquarters in Lagos.

551. On 20 January the Special Rapporteur sent an urgent appeal on behalf of some 30 members of the Ogoni community from the villages of Bori, Bo-ue, Kaani, Kegbara Dere and Zaakpon, including Batom Mitee, brother of Ledum Mitee, exiled Acting President of MOSOP, Tombari Gioro, Saturday Zorasi and Eebu Nkeh, as well as two women, Beatrice Nwikpasi and Mary Sunday. The arrests, allegedly by armed troops from the Internal Security Task Force, reportedly took place on 3 and 4 January 1998, in connection with activities organized to mark Ogoni Day on 4 January. Batom Mitee and Tombari Gioro were reportedly beaten with rifle butts and electric cables, then subsequently denied food and medical care for their injuries. Some of those detained may since have been released, but further arrests are said to have taken place in the villages of Kegbara Dere and Kaani.

552. On 9 April 1998, the Special Rapporteur sent an urgent appeal, in conjunction with the Special Rapporteur on the situation in Nigeria, on behalf of Barileresi Mitee and Batom Mitee, brothers of Ledum Mitee, exiled Acting President of MOSOP. Barileresi Mitee was allegedly arrested on 23 March at Port Harcourt. Batom Mitee has been detained since 3 January 1998 and is reported to have been kept incommunicado for several weeks. He is alleged to have been subjected to ill-treatment by the military while in detention and is said to have been transferred to a military hospital as a result.

553. On 20 April 1998, the Special Rapporteur, in conjunction with the Special Rapporteur on the situation of human rights in Nigeria, transmitted an urgent appeal concerning the alleged arrests of some 100 activists and the alleged death of two protesters during a rally called by the United Action for Democracy (UAD), an organization of pro-democracy and human rights groups. The arrests, allegedly by the Nigerian security forces, reportedly took place on 15 April 1998 outside Ibadan stadium in south-western Nigeria. The security forces are said to have used tear-gas and live bullets, resulting in the death of at least two protesters and injuries to many others. In January and March 1998, activists of pro-democracy organizations were reportedly subjected to torture and other ill-treatment following their arrests.

554. On 24 April 1998, the Special Rapporteur, in conjunction with the Special Rapporteur on the situation of human rights in Nigeria, sent an urgent appeal on 17 April 1998 on behalf of 9 women and 16 children in Zaria,

northern Nigeria. They were said to include Zeenah Ibrahim, wife of Ibrahim Al-Zakzaky, a leading member of the Muslim Brotherhood, who has reportedly been in detention since September 1996, five of their six children aged between 17 months and 10 years, and the wife and children of Hamidu Danlami, also reportedly detained since September 1996. It is alleged that the purpose of the recent arrests of their families is to obtain confessions from the two men. Concerns have also been expressed with respect to the allegedly widespread use of the State Security (Detention of Persons) Decree, No. 2 of 1984, to detain persons incommunicado for extended periods.

## Pakistan

### Regular communications and replies received

555. By letter dated 11 November 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

556. Fashi Ahmed, a Muttahida Quami Movement (MQM) worker in Liaquatabad, who is also known as Jugnoo, was reportedly arrested at a house in Scout Colony in Karachi on 23 October 1998. He was allegedly arrested in connection with the investigation of the murder of Hakim Saeed. He was reportedly severely tortured by the police on the day of his arrest and is believed to have died from the injuries he sustained. The authorities are reported to have stated that he had committed suicide by taking poison while in police custody. However, his skull was reportedly fractured. In connection with the same murder investigation, it is also reported that Asim Raza was arrested and severely tortured during a period of one week. His kidneys are damaged and his muscles are also injured from having been over-stretched.

557. Dr. Ayub Sheikh, an MQM officer and a member of the Muttahida Organizing Committee, was reportedly arrested by the Inter-Service Intelligence (ISI) on 1 March 1998, upon his arrival at Karachi airport from London. He was reportedly arrested under the Customs Act, the Official Secret Act and the Telegraph Act because he allegedly carried cellular telephone equipment. He was allegedly taken to an unknown destination. Despite Chief Minister Sindh's reported assurance that he would be released on the night of his arrest, he was reportedly detained for over 80 hours by the ISI. During his detention, he was allegedly stripped naked, forced to stand for hours on one foot, and repeatedly beaten with rods and sticks. He is also said to have been threatened with execution.

558. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1995, 1996 and 1997 regarding which no reply had been received.

### Observations

559. It is a matter of regret that the Government has still formally to provide the Special Rapporteur with information on any steps taken to implement the recommendations contained in his 1996 mission report (E/CN.4/1997/7/Add.2).

## Paraguay

560. By letter dated 10 November 1998, the Special Rapporteur reminded the Government that no replies had been received to several cases communicated in 1996.

## Peru

### Regular communications and replies received

561. By letter dated 5 November 1998, the Special Rapporteur informed the Government that he had received information on the following cases.

562. Pedro Rafael Marino Múñez, José Antonio López Alvarado and Juan Carlos Martínez Moran were arrested at their home on 31 October 1997 by several policemen, members of the Criminal Investigation Division (DIVINCRI) of the Headquarters of the Eastern Metropolitan Police of Lima. They were reportedly taken to DIVINCRI-Este, where they were allegedly physically ill-treated. Pedro Rafael Marino, according to accounts, was taken to a beach near Ventanilla, allegedly by the Captain of the Peruvian National Police (PNP) Johnny Chano Flores. On the beach, he was allegedly brutally beaten. It was reported that his nose had been broken, as well as his right leg. In addition, he was said to have been immersed in the sea, as a result of which he had died. According to relatives, the autopsy had omitted to describe the injuries caused by torture. In connection with the same case, it is reported that Christian Raffo, a Peruvian citizen, was arrested on 30 October 1997, charged with an alleged offence against public property. During his imprisonment, he was allegedly subjected to ill-treatment. José Antonio López Alvarado and Juan Carlos Martínez Moran were said to have been taken away and subsequently ill-treated. Several officers and NCOs have been arrested for that deed; nevertheless, the Ministry of the Interior allegedly failed to report the woman who had directed the operation, or the chiefs of DIVINCRI-Este.

563. Ricardo Solano Asto was reportedly arrested on 27 December 1997 in the town of Cerro de Pasco, department of Pasco, by officials of the police station of Chaupimarcaal under the orders of PNP Captain Wilber Chirinos Tellez, charged with rape. Ricardo was taken to the aforementioned police station, where he was allegedly physically attacked and subsequently transferred to the Daniel Alcides Carrión hospital, when he was already dead. A police investigation was initiated in that connection in the Mixed Provincial Prosecution Department of Pasco.

564. Saúl Robinson Tello Muñoz was reportedly arrested on 12 March 1997 at his home located in Jr. Ramón Castílla Mz. 159, plot 8, Yarinacocha, province of Coronel Portillo, department of Ucayali, by the PNP NCO Watson Grandez Paredes, who reportedly attacked him physically without reason. He was then allegedly charged with a robbery. According to reports, he was taken in a taxi to the police station of Yarinacocha, where he was again physically and psychologically tortured.

565. Eva Dinora Rodríguez Paredes was reportedly tortured on 10 November 1997 at her restaurant in Huamachuco by uniformed policemen each carrying an

AKM rifle. The PNP Second-class Technical NCO Nelson Alfons Cotrina Jave allegedly struck Eva Dinora Rodríguez Paredes with the butt of his AKM gun in the head and kicked her.

566. Rosendo Linares Chávez was reportedly tortured on 6 December 1997 in the town of Huamachuco, in a square called Sucre, by the PNP Second-class NCO Effio Vásquez Barboza, PNP Sub-Lieutenant Armando Binito Rodríguez Sánchez and PNP Lieutenant Carlos Enrique Quiroz Merino. These officers apparently forced her to open her shop. They then allegedly beat her and took her to the station, where they were said to have hit her with a blunt object over the head.

567. William Teodorico Olivera Espinoza, residing in the compound of Nuevo Horizonte, district of Pólvora, province of Tocache, department of San Martín, was reportedly arrested on 23 September 1997 at the military base of Tocache, after appearing at the base to explain the origin of a hand grenade. For several days he was allegedly subjected to torture at the military base. According to reports, on 6 September he was again arrested in the locality of Puerto Pizana and tortured to confess being a terrorist. He was reportedly made available to the police station 10 days later. The subsequent police investigation led to his release, ordered by the Mixed Provincial Prosecutor's Office of Tocache for lack of evidence.

568. Nancy Patruska Del Campo Cáceres was reportedly arrested on 7 May 1997 by members of the Dirección Nacional Contra el Terrorismo (the anti-terrorism department or DINCOTE) of the Lima National Police. She was allegedly raped by her captors and held incommunicado while in detention.

569. Army Sergeant Oscar Chucho Henostroza of the "Juan Hoyle Palacios" No. 6 Motorized Infantry Battalion (BIM), of the district of Independencia, Huaraz, was charged on 2 June 1997 with having taken 5,000 new sols from a location in the military base where he was serving. Army Sergeant Oscar Chucho was allegedly subjected to torture by members of his own battalion. They reportedly beat him and gave him electric shocks. He is said to have been half-asphyxiated in a water container and allegedly had a rod inserted in his anus.

570. Tony Gustavo Aduvire Condori and other youths, were stopped on 30 July 1997 by soldiers under the orders of Army Third-Class Technical NCO Ernesto Rivera Gonzales in the town of Tacna. They were allegedly taken to the "Tarapacá" Peruvian Army barracks. Later on, Tony Gustavo Aduvire Condori's corpse had appeared in an area close to the barracks, showing signs of beatings. The reason was allegedly the capture of civilians for recruitment into compulsory military service (SMO).

571. Denis Taminchi Saavedra was arrested on 4 January 1997 in the Peruvian Social Security Institute of Pucallpa. He was reportedly beaten and taken to the Peruvian naval base in Pucall and then released about one and a half hours later.

572. Leonor La Rosa Bustamante was reportedly tortured in January and February 1997 by the Army Intelligence Service. In a first judgement, four officers were convicted. That judgement was overruled, however, by the

Review Court of the Supreme Council of Military Justice, which in its decision of 24 November 1997 acquitted the two officers, Army Colonel Carlos Sánchez Noriega and Major Richard Anderson Kohatsu.

573. Aurelio Leiva Barboza was reportedly arrested on 24 February 1997 when he was returning from Alto Yurinaki to Villa Rica, and transferred to the military base of Pichanaki, where he was allegedly tortured.

574. Arturo Villaizán Contreras was reportedly arrested on 1 March 1997, together with 36 other peasants of La Merced. They were reportedly taken to the military base Pachacútec 31 of Pichanaki, where according to reports they were physically and psychologically tortured, sexually abused and subjected to degrading treatment by soldiers of the Pichanaki army.

575. Carlos Polanco Ramírez, a military service conscript, was reportedly arrested and beaten on 28 February 1997 at the military base of Pichanaki by personnel of the base. Subsequently he was allegedly handed over to the Special Commando Company Pachacútec No. 31, where he was allegedly tortured and thrown into the river Perené with a hood over his head.

576. Bernardo Roque Castro, Segundo Alva Marin, Edison Loayza Alférez and Armando Cumapa Onorte, members of the revolutionary movement Tupac Amaru, inmates of Yanamayo prison, were allegedly attacked on 1 March 1998 by 30 members of the National Special Operations Directorate (DINOES) without justification. As a result of being attacked, the victims allegedly suffered substantial injuries and bruising all over the body. Subsequently, the same day and in the same place, Alejandro Astorga Valdés, a Chilean national, was allegedly brutally beaten after being taken out of his cell by the PNP-DINOES Major with the approval of Commander Miguel Guillén Tejada, the prison director.

577. Miguel Rincón Rincón, Johny Romero Vanses, Alejandro Astorga Valdés, Eladio Segura Palomino and Leonardo Sena Montalván, Tupac Amaru members detained in Yanamayo prison, were reportedly taken out of their cells on 4 March 1998 by prison guards led by the PNP Major Sánchez and subsequently savagely beaten by DINOES personnel, who had apparently been brought there especially for that purpose. Apart from the aforementioned prison director, those responsible allegedly included PNP Major Sánchez and PNP Captain Guerrero.

578. By the same letter, the Special Rapporteur reminded the Government that no replies had been received to several cases communicated in 1997.

579. Owing to limited human resources, the Government's replies dated 6 January and 25 September 1998 could not be included in this report, but will be in the next.

### Observations

580. The Special Rapporteur shares the concern of the Committee against Torture at the "frequent and numerous allegations of torture" (A/53/44, para. 202 (a)).

## Philippines

### Regular communications and replies received

581. By letter dated 23 September 1998, the Special Rapporteur advised the Government that he had received information alleging that law officers repeatedly use physical and mental duress to extract confessions from suspects held in detention. Individuals are reportedly often arrested without a warrant then held in administrative detention before being charged. Suspects are said to be often picked up by unidentified men in plain clothes without warrants. They are reportedly quickly handcuffed, punched and kicked and forced into waiting cars. It is during the interval between arrest and the laying of formal charges that detainees are said to be most frequently subjected to interrogation and abuse. Common methods of torture used to pressure the detainees and force confessions are believed to include the following: interrogators may beat victims with fists, rifle-butts, or batons wrapped in newspaper, threaten them with death as pistols are held against their heads, or put bullets between victims' fingers and then squeeze their hands. Suffocation seems to be a technique frequently adopted by the interrogators: they are said to hold plastic bags tightly over a victim's head until the victim is near to suffocation, or place a piece of cloth over the victim's head and drip water on it to create gradual suffocation. Sometimes interrogators pour water directly into victims' mouths and nostrils or hold victims' heads under water - in a container or a toilet. Electric shock application is reportedly another common form of torture used by the interrogators, who apply shocks directly to the victim's legs, arms, ears, lips or genitals or pass electricity through a pail of water in which the victim is forced to place his feet.

582. By the same letter the Special Rapporteur advised the Government that he had received information on the following cases.

583. Pepito Carculan and Eric Carculan, aged 17, were reportedly tortured by members of the Army Scout Rangers on 31 October 1997. Forty Army Scout Rangers had reportedly arrived in Abra de Ilog the day before to search for New Peoples' Army (NPA) members. Some of the soldiers entered the house of Albert Carculan, a cousin of Pepito and Eric Carculan. There, the soldiers found written material from a protest march in which Eric had participated. Later, the soldiers reportedly found Pepito and Eric Carculan and ordered the two to take them to the NPA camp. They reportedly refused denying any connection with this group. The soldiers allegedly beat them repeatedly, tied plastic bags over their heads and attempted to drown them in a stream. The provincial police are believed to have denied any knowledge of the action, stating that the police did not co-ordinate their activities with the army.

584. Gaudencio Devaras, a community organizer, was reportedly assaulted and subsequently abducted by members of the armed forces in Purok Dabu on 12 July 1997. The soldiers allegedly dragged him from the home of a friend, forced him to lie down on the ground, beat him on the stomach with a rifle butt and burned his tongue with lit cigarettes. Witnesses reportedly believed the soldiers to be members of the 68th Infantry Battalion who were attempting to compel Gaudencio Devaras to admit to membership in the NPA. After the assault the soldiers took him away by helicopter. Since then he has not been

seen. Despite inquiries made at several police headquarters and army camps by local human rights groups to locate him, officials have reportedly denied any knowledge about his whereabouts. On 28 August 1998, the Chairman of the Working Group on Enforced or Involuntary Disappearances sent an urgent report on behalf of the Gaudencio Devaras.

585. Ariel Atienza, Antonio de Jesus, Victorino Bautista and Gerry delos Reyes, all members of Bayan, a legal people's organization, were allegedly beaten during interrogation at the police headquarters in Camp Tolentino on 22 August 1997. The men were reportedly arrested in a rest house at a private fishpond in Barrio Balut in Pilar, by members of the 703rd Infantry Brigade, who apparently accused them of being members of the NPA. A police inspector is said to have led the interrogation, during which he allegedly hit the men with his hands and kicked them in the head and other parts of their bodies.

586. Romeo Gaon was reportedly arrested and assaulted in Manila on 27 June 1997, on the suspicion that he was a member of an armed guerrilla unit. He was allegedly taken to an undisclosed location, blindfolded, handcuffed and beaten during interrogation for 48 hours in an attempt to compel him to confess. The interrogators allegedly put bullets between his fingers before squeezing his hands and pressed the pointed tip of a bullet against the bare soles of his feet. They also allegedly held a plastic bag over his face, causing him to pass out. After the assault, Romeo Gaon was reportedly taken to the Intelligence Security Group detention centre, where he was held for five days. On 7 August 1997 Romeo Gaon is said to have been released.

587. Marlon Fernandez was allegedly arrested, tortured and executed on 4 September 1997 by police officers who suspected he was a member of an armed underground guerrilla organization. Witnesses reportedly claim that armed men of the Philippine National Police 2nd Mobile Group took Mr. Fernandez at gunpoint from the house where he was staying. He was then allegedly taken to the house of a Provincial Board member where he was reportedly seen tied to a tree while he was kicked and punched by armed government men. The police officers are believed to have brought his remains to the town hall the next day. A report from forensic experts reportedly revealed that Marlon Fernandez had been hit by seven bullets and that he had been handcuffed or tied at the hands while being tortured.

588. Orlando Bundalian, Jr., a community organizer of Kongreso ng Pagkakaisa ng Maralitang Tagalunsod (KPML), was reportedly abducted and tortured on 23 December 1995 by joint elements of the Philippine Task Force for Intelligence and Counter-intelligence, which included the PNP - Kalookan, the Intelligence Security Group of the Philippine Army and the Intelligence Command of the PNP-Central Police District. He and two women were riding on a tricycle in Bagong Silang when approximately 10 armed men in plain clothes reportedly dragged him to their car, blindfolded him and took him to a small room in what he believed to be a safehouse, somewhere in Fort Bonifacio. His abductors allegedly accused him of being an intelligence officer of the Alex Boncayao Brigade's 11th district politico-military staff and demanded he admit to participation in the murder of Leonardo Ty. Every time he denied involvement he was allegedly punched. He is believed to have been tortured

throughout the night. The following morning he is said to have been brought to Camp Aguinaldo where interrogation reportedly continued. Charged with murder, he was convicted and is currently detained in the Kalookan city jail.

589. Dante Piandong was allegedly tortured while in police custody on 27 February 1994. He was reportedly arrested without a warrant and police officers are said to have tortured him when he refused to confess to a robbery and homicide. Police officers allegedly handcuffed him, forced him to lie down on a bench, then poured water into his mouth. Police officers are said to have beaten him all over his body and applied electric shocks to his genitals.

590. Pablito Andan was allegedly held incommunicado overnight in February 1994, ordered to confess his guilt to a rape and homicide, and tortured. He reportedly recognized the two men involved as bodyguards of the local mayor. They are said to have come to his home around midnight, pushed him into a car, covered his face, and driven him to a nearby hotel. When Pablito Andan refused to confess to the crime he was beaten. The two men allegedly shoved his head down a toilet bowl and poured water into his nostrils. Then he reportedly felt injections in his buttocks and neck and began to feel dizzy and confused. At dawn he was taken to the municipal hall for detention. In March 1997, his death sentence was confirmed by the Supreme Court, despite the fact that, when his case went to trial, he reportedly retracted his confession and claimed he had been tortured during interrogation.

591. Jemreich Matignas was reportedly tortured by members of the National Bureau of Investigation during a night of incommunicado detention, in an attempt to force him to admit to participation in a crime of rape and murder. A group of plain-clothed armed men handcuffed him, punched him and took him to the Manila headquarters of the National Bureau of Investigation around 8 p.m. There, he was allegedly ordered to take off his clothes, jog on the spot and do squatting exercises. He was beaten along the spine with the butt of a rifle and ordered to confess. Upon his refusal, the men are said to have left him naked next to a fan in an air-conditioned room. A rope was allegedly put around his neck, then pulled so that he could hardly breathe. When his mother saw him the next day his ears, eyes and nose were visibly swollen and bleeding and he is said to continue to experience difficulty hearing. He was reportedly sentenced to death in November 1996 and was currently held on Death Row. The Special Rapporteur sent a new communication to the Government on 15 October 1998 after receiving further information, to the effect that Jemreich Matignas was arrested on 26 July 1994, placed in a National Bureau of Investigation detention cell on 27 July 1994 and reportedly sentenced to death in November 1995.

592. Edgar Maligaya was allegedly arrested and tortured into confessing to committing a homicide. He was reportedly arrested by plain-clothes police officers at the Manila city jail, where he regularly volunteered as a guitarist in the chapel, in January 1996. He was reportedly blindfolded, punched, pushed into a car and driven to a hotel. There, he was allegedly interrogated and accused of involvement in the death of a Chinese-Filipino businessman in 1995. His interrogation was staggered throughout the night and he was allegedly punched whenever he gave an "incorrect" response to a

question posed by the interrogators. He was allegedly beaten on the stomach with a newspaper-wrapped wooden baton while lying on the floor with his hands cuffed, his shirt off, and his pants down around his knees. A plastic bag was allegedly held over his head until he began to choke. He finally agreed to confess when he was threatened with electric shocks. The following morning he was seen by a doctor who ignored his injuries. Sentenced to death in August 1996, he is said to be currently on Death Row. Expedito Bolima was reportedly arrested in connection with the same crime. He was allegedly taken to the same hotel as Edgar Maligaya for interrogation. His torture allegedly included having his face held under dirty water in a toilet bowl, beatings and electric shocks. He, too, reportedly agreed to confess.

## Portugal

### Regular communications and replies received

593. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

594. Olívio Almada, a man of Cape Verdean origin, was reportedly found floating in the Tagus river near the docks of Alcântara in October 1996, three weeks after his friends had reportedly seen him detained by officers of the Public Security Police attached to the Alcântara station. The official cause of his death is listed as "asphyxia by drowning". He reportedly had injuries to his face and his head was split open. On 13 October 1996, the police allegedly detained him in order to check his identity after he had created a disturbance, but the police reportedly admitted that they did not take him to the police station as required by law, but claimed they dropped him off in Cais da Rocha. The officers in question are reportedly under investigation by the Judiciary Police in connection with the death.

595. Gabriel Camara, a citizen of Guinea Bissau, resident in Portugal for eight years, was reportedly beaten by plain-clothes members of the Public Security Police in March 1996. He was reportedly handcuffed and made to lie on the ground, when police officers began to beat him and kick him. The Public Security Police and the Ombudsman (*Provedor de Justicia*) are said to have opened two separate inquiries.

## Republic of Korea

### Regular communications and replies received

596. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on Bong-hae Yi, to which the Government responded by letter dated 10 November 1998. He was reportedly arrested on 1 December 1997 for violating the Law on Theft and the Traffic Law and taken to the Seoul Nambu police station. He was reportedly transferred to the Seoul Youngdeungpo detention centre on 5 December 1998, where he was placed in solitary confinement. On 9 December he was reportedly taken by a detention centre officer to Daelim Saint Mary's Hospital where he was declared dead. An autopsy carried out on 10 December by the National Institute of Scientific Investigation is said to have determined that the cause of death

had been sudden cardiac arrest. This report allegedly found approximately 16 areas of internal bleeding, in particular in the front head and the lower abdomen, as well as bruises and scars on various parts of his body. His widow has reportedly initiated a lawsuit against the director of the Youngdeungpo detention centre and unnamed prison guards who allegedly participated in the torture which is thought to have caused the death of Mr. Yi. The Government indicated that at the time of his arrest Bong-hae Yi, a psychologically disturbed person, was in fragile health. It confirmed that the autopsy report established sudden cardiac arrest as the cause of death, but denied the presence of internal bleeding. On the contrary, there was evidence of hypodermal bleeding due to external lacerations, which were probably self-inflicted. The Government indicated that there was no evidence to confirm that he had been beaten or ill-treated by fellow inmates or prison guards. Lastly, it indicated that, after a series of investigations, in particular by the Public Prosecutor's Office, the allegations had been found to be unjustified.

## Romania

### Regular communications and replies received

597. By letter dated 3 September 1998, the Special Rapporteur informed the Government that he had received information concerning the revision of the Code of Criminal Procedure, which was believed to have entered into force in November 1996. Act No. 141/1996 reportedly included no provision which would allow plaintiffs to oppose a prosecutor's decision regarding measures taken in the course of an inquiry or the results of that inquiry. According to Article 275 of the Code, all requests for reviews of such decisions had to be addressed to higher ranking prosecutors. That meant that anyone claiming to be the victim of acts of torture or other inhuman treatment committed by members of the police would be left with no effective legal remedy. That situation would then be contrary to the right of any victim to obtain reparation and compensation. Furthermore, the revised Code reportedly did not always allow the civil courts to exercise jurisdiction in the case of proceedings undertaken against members of the police force or prison personnel. Such cases would still be taken up by military courts. By letter dated 13 October 1998, the Government informed the Special Rapporteur that a bill amending the Code of Criminal Procedure had been tabled before Parliament on 18 May 1998. The letter mentioned a number of provisions which were due to be changed, but did not refer to the above-mentioned remarks.

598. By the same letter, the Special Rapporteur informed the Government that he had received the following allegations, to which the Government had provided preliminary replies in a letter dated 13 October 1998.

599. Gabriel Carabulea was reportedly arrested on 13 April 1996 by police officers of Section 13, Bucharest, then transferred to Section 9. He was later allegedly admitted to the cardiac intensive care unit at Fundeni hospital. His admission sheet apparently mentioned blood clots in the lungs, cardiac deficiency in the right ventricle and bruising of the genitals. He is reported to have died on 3 May 1996. According to reports, photographs of his body showed many marks of bruising on the genitals, chest and head; before he died, Gabriel Carabulea allegedly told someone that he had been violently

beaten by police officers. The Government indicated that he had been arrested on the above-mentioned date following a car accident, in the course of which he had been wounded in the chest. Three days later, he had been taken to the hospital of the Ministry of the Interior, where he was given a chest X-ray, which turned out negative. However, after his state of health had deteriorated several times, he had been finally admitted to the Fundeni cardiology institute "C.C. Iliescu" for "pulmonary thrombo-embolism" due to a car accident. His pulmonary insufficiency subsequently worsened and, despite the care received, he died on 3 May 1996. According to the Government, the death certificate confirms that he died as a result of his chest wound and that no trace of violence was visible. The witnesses arrested at the same time as Gabriel Carabulea confirmed that he had not complained of ill-treatment by the police. Lastly, the Government indicated that the inquiry opened by the military Prosecution Department of Bucharest had led to the conclusion that his death had been due to pathological causes of a non-violent nature.

600. Virgiliu Ilieş, aged 15 and mentally retarded, was reportedly arrested on 15 January 1994. He was said to have been detained for 74 consecutive days in a police station, the Bucharest prison hospital, and then the police detention centre of the district of Dolj. In January 1995, he was allegedly forced to make the confessions required of him as a result of blows and threats received during police custody. According to reports, he had been forced to kneel on a chair, thus being exposed to blows with a plastic truncheon on the soles of the feet and the palms of the hands. Virgiliu Ilieş allegedly stated that he had been beaten during his imprisonment in the police detention centre of the province of Dolj by fellow cell inmates, who were adults and who told him they were carrying out orders. When he was admitted to Bucharest hospital, he was allegedly diagnosed as suffering from anaemia and a major bacteriological skin infection covering his whole body. On 30 January 1994, Virgiliu Ilieş and his mother reportedly lodged a complaint with the Military Prosecution Department for ill-treatment and arbitrary arrest and detention, but had not yet received any reply. According to the Government, he was arrested for theft on 14 January 1994. After he confessed, the prosecutor of the Court of Craiova brought criminal proceedings against him on 16 January 1994 and placed him in detention. The Government added that, in accordance with the law on the arrest of children under age, he had immediately been examined by a forensic medical expert, who had concluded that he was mentally retarded and would need placing in a specialized institution. Nevertheless, the prosecutor ordered a further psychiatric examination to be carried out by the Mina Minovici Institute of Forensic Medicine of Bucharest, which required the transfer of Virgiliu Ilieş to the hospital of the prison of Jilava. The examination concluded that there had been no ill-treatment during detention. Lastly, the Government indicated that, following an inquiry, the military prosecutor of Craiova had decided, on 25 September 1997, not to bring proceedings against the policemen involved.

601. Ioan Roşca was reportedly beaten, on the morning of 16 September 1995, by plain-clothed, armed men, stating they were employees of the general police corps, and policemen belonging to Section 14, when he had gone with his family to visit his property at No. 19 of Alexandru Balacescu Street in Bucharest. According to information received, the plain-clothed men were officers of the *Serviciu de paza si protectie*, in other words, the service for the protection

of the authorities and institutions of the Romanian State. He allegedly received blows on the chest and head. He was then said to have been taken to the police station, where the beating continued. According to a medical certificate allegedly issued on 18 September, the injuries and bruising would require five to six days of medical treatment. On 23 October 1995, Ioan Roşca allegedly lodged a complaint with the military prosecution department of Bucharest against the officers responsible for his ill-treatment. Marian-Lucian Roşca, one of his sons, Gheorge Bucşe, Constantin Huţanu, Mihai Hriţu, Aurel Stefanov and Lucian Creţu, who had all witnessed the scene in Alexandru Balacescu Street, were allegedly taken to the police station, where it was said they were beaten by the police officers in an effort to obtain false statements by them.

602. Marius Popescu was reportedly arrested on 21 February 1996 by two Buzau policemen. On the next morning, he allegedly returned home with head wounds and unable to speak. He was taken to the communal hospital, where he was allegedly treated for bruising on the left side of the head and loss of speech. On 26 February, he was said to have been taken to the emergency unit of Bucharest hospital. According to a medical certificate apparently issued in March 1996, the loss of speech had been caused by violent blows to the head with a hard object. It was reported that his sister lodged a complaint with the military prosecution department of Bucharest in April 1996, and was later informed by that department that the investigation would be conducted by the military prosecution department of Ploiesti. According to the Government, policemen found Marius Popescu lying on the ground. In view of his violent attitude towards them, they were forced to take him to the police station in order to reprimand him. The Government confirmed that a complaint had been lodged against the police officials at the military prosecution department of Ploietsi.

603. Eugen Galeş was reportedly arrested on 16 December 1996 around midnight at the communal courthouse of Buzau, while waiting to be heard as a victim. He was allegedly taken by two policemen to a prosecutor, who placed him under arrest for causing injuries to the other parties in the trial. He was then said to have been taken to a police detention centre, where he was allegedly beaten by two police officers with their fists and their handcuffs, in order to force him to sign a statement admitting the charges against him. According to a medical certificate issued in December 1996 after his release, he was also said to be suffering from burns caused by cigarette butts or a lighter and injuries made to the soles of his feet by blows with a blunt object (*flacara*). According to the Government, he had been taken on that day to the prosecution department, where an arrest warrant was to be issued against him for causing severe physical injury, a situation which led him to adopt a violent attitude towards the policemen he was with. The Government indicated that he had been charged.

604. Dănuţ Iordache was reportedly arrested at his home in Bucharest, on 3 February 1997, towards 6 a.m. He was apparently taken by the police to the Section 14 police station. He was allegedly released on 5 February and admitted the same day to the emergency service of the hospital for a broken jaw and bruising on the chest caused by the beatings administered by the policemen. Dănuţ Iordache was said to have lodged a complaint with the Military Prosecution Department of Bucharest. The Government confirmed that

he had been arrested and indicated that he had been charged with several robberies with break-in. According to the Government, his brother lodged two complaints against policemen, which are currently being dealt with by the Prosecution Department of the Territorial Military Court of Bucharest.

605. Daniel Neculai Dediu was reportedly arrested by the local police and held for 24 hours, on 7 February 1997, in Ungureni in the province of Bacau. He was allegedly violently beaten by the chief of police and his deputy, in an attempt to obtain a false confession from him. According to a medical certificate issued on 10 February, his body showed four large areas of bruising. Daniel Neculai Dediu's complaint for ill-treatment by the police was believed to be currently under examination by the Military Prosecution Department of Bacau. According to reports, it led in August 1997 to charges being brought against the police officer suspected of carrying out an illegal arrest and conducting an inquiry without justification. According to the Government, the individual concerned was guilty of insulting police officers, while they were searching his home, with his consent, in the course of an investigation into a robbery. The Government confirmed that Dediu Neculai had later lodged a complaint against the policemen for wrongful investigation and that the case was being dealt with by the Military Prosecution Department of Bacau.

606. Costică Nazăru was reportedly arrested in his café at Braila by five plain-clothed men claiming to be police officers, but refusing to show their badge, around noon on 13 May 1997. While he was being interrogated at the police station, they allegedly struck him on the neck and head in order to obtain a false confession. He was said to have been detained for three hours, then released with no criminal charge brought against him. When he was examined by a forensic medical expert two days later, he was apparently suffering from bruising. An inquiry is believed to be currently under way into the case, conducted by the Military Prosecution Department of Ploiesti. According to the Government, he had attacked two policemen who had come to check his café, for which he had been fined. The Government confirmed that an inquiry regarding the allegations mentioned in the Special Rapporteur's letter was following its normal course at the Military Prosecution Department of Ploiesti.

607. Pantelimon Zaiţ was reportedly led away on 20 February 1996 by two officers to the office of the Department of Arms and Munitions of the police station of the province of Piatra Neam for an inquiry into poaching. He was allegedly struck by one of the officers on the head, which caused bleeding of the nose and mouth. According to reports, he was then taken to a different office, where another officer humiliated him and beat him. It was said he was forced to sign a statement without a chance to read it. A medical certificate drawn up on 26 February was apparently lodged with a complaint for ill-treatment with the Military Prosecution Department of Bacau. In November 1996, the Prosecution Department was said to have decided to close the investigation and not to bring charges against the suspected officers. Pantelimon Zaiţ reportedly appealed against that decision, but had still not received any reply. The Government indicated that, following the appeal of November 1996, the Territorial Military Prosecution Department of Bucharest had concluded on 17 February 1997 that no act of violence had been committed against Pantelimon Zaiţ.

608. Adrian Matei was reportedly stopped for an identity check by two policemen in a street in Bucharest's Sector 1 on the evening of 9 January 1997. As he did not have his identity card on him, he allegedly suggested that the policemen should go back with him to his place. He was then allegedly struck, handcuffed and taken to the police station of Sector 5, where he continued to be ill-treated until he lost consciousness. Reports said he was then abandoned in the street by the policemen. A medical certificate issued on 10 January 1997 was said to have mentioned multiple bruising over the body. On 14 January, he reportedly filed a complaint for ill-treatment. According to the Government, he had been arrested for verbal abuse and turned violent when the policemen asked him to identify himself. When he had been taken by force to the police station, he had tried to wound himself several times on purpose. The Government confirmed that the Military Prosecution Department of Bucharest had received a complaint for ill-treatment.

609. Ioan Bursuc was reportedly arrested on 27 January 1997 around 8 p.m., at the café of the democratic party of Piatra Neamt. According to reports, two traffic policemen had rudely asked him to show his papers. Ioan Bursuc apparently responded rudely as well. The policemen then allegedly beat him over the head with a plastic truncheon, handcuffed him and continued beating him, while taking him to a police car. He was then said to have been taken to the police station, into which he was allegedly dragged by the hands, face down. Once there, six other policemen reportedly beat and kicked him. At 2 a.m., half-unconscious, he was reportedly admitted to the neurosurgery department of Iasi No. 3 hospital, where he was diagnosed as suffering from deep wounds to the skull and brain, and to the retina. Ten days later, he was said to have been transferred to the hospital of Targu Mures, where he was treated for an effusion in the brain, for the effects of angina aggravated by traumatism and a lesion in the anus. On 31 January 1997, he reportedly lodged a complaint for torture, with the Military Prosecution Department of Bacau, naming eight policemen as being responsible. According to the Government, he had been stopped for unruly behaviour in a bar. In the police car, and in the police station, he had turned violent, which, at his wife's request, had obliged the policemen to have him admitted to the psychiatric section of the departmental hospital of Neamt. After an inquiry, the Military Prosecution Department of Bacau had decided on 4 February 1998 not to undertake criminal proceedings against the accused policemen.

610. Giţă Ilie, Vasile Viorel and George Năstase Bobancu were reportedly all three among many inmates of the prison of Jilava in Bucharest subjected to ill-treatment. On 23 February 1997, after a week of hunger strike, the Jilava prison authorities reportedly intervened to restore order. It was said that the guards involved wore masks and were armed with plastic and wooden truncheons. On one occasion at least, the guards allegedly used tear gas to enter a cell, where, according to information received, they beat the prisoners indiscriminately. Giţă Ilie was said to have suffered injuries to his left leg and the neck. After having been beaten, he was allegedly taken with other prisoners into the prison yard to pick up small pieces of glass with his bare hands. He was then reportedly transferred to another section of the prison to receive care. He was said to have lodged a complaint for ill-treatment and to have been questioned by the Military Procurator of

Bucharest, who apparently opened an inquiry. He was reportedly one of a group of prisoners, who were struck by masked guards with wooden truncheons and sticks. They were allegedly ordered to crouch under the beds, where they continued to be beaten. He was then allegedly taken with two other prisoners into a corridor, where the beatings continued. According to the courts, he then lost consciousness and had been taken to a prison surgery. There he was reportedly diagnosed as having a broken left leg and to be suffering from injuries to the head and kidneys. Instead of being treated, he was allegedly taken back to cell 86 in section 5, where he was left naked on the ground until the next morning. He was allegedly refused any medical treatment for four days. On 27 February, his leg was apparently finally set in plaster. He was reported to have lodged a complaint with the Military Prosecution Department of Bucharest, but had not yet received any reply regarding any follow-up. George Năstase Bobancu was reportedly one of a group of some 50 prisoners, who had been taken into the prison yard to be kicked and beaten with wooden sticks (apparently the legs of chairs and tables built in the prison workshops) by some 70 guards, most of them wearing masks. After being beaten all over the body, he apparently suffered a broken sternum. He was allegedly taken to the infirmary, where he stayed for two weeks. Fifteen days after his return, during which time he was punished for breach of discipline, he was allegedly transferred into a prison hospital, where he remained until mid-October. He apparently did not receive appropriate care and was still suffering. It was said he was still currently being subjected to "restricted conditions" in Jilava prison. In May 1997, he also lodged a complaint with the Military Prosecution Department of Bucharest. At least three other prisoners complaining at having been ill-treated during the events of 23 February 1997 apparently lodged complaints as well.

611. Vasile Holindrariu was reportedly summoned on 13 March 1997 to the police station to answer questions about a theft. Two policemen, including an officer, allegedly struck him in the face there and kicked him in the stomach. An officer, who was said to have previously registered the man's complaints concerning police corruption and abuse committed by a local charity was reportedly present the whole time. Vasile Holindrariu was allegedly released the same evening. On the next day, according to reports, a doctor refused to issue a medical certificate, on the grounds that the injuries inflicted were not sufficiently serious. Apparently the person was subsequently summoned 12 times to the police station, without any reason being given. In August 1997, he reportedly lodged a complaint for ill-treatment with the Military Prosecution Department of Bacau. The Government stated that the Military Prosecution Department of Bacau had decided not to follow-up his complaint for ill-treatment, a decision which had been confirmed on 9 December 1997 by the Military Prosecution Department of Bucharest.

612. Belmondo Cobzaru, a 24-year-old Rom, was reportedly beaten by police at the station of Mangalia, on 4 July 1997, around 8 p.m. He was allegedly violently beaten by two policemen, while four others looked on without intervening. Before being released, he was allegedly forced to sign a statement saying that he had been beaten by other men. When he was released, he was apparently asked to return on the following day with his father, the chief of the local gypsy community. On the evening of 4 July, he was allegedly admitted for three days at the neurosurgery unit of the hospital of Constanta province. Belmondo Cobzaru reportedly lodged a complaint

on 21 July 1997 with the Military Prosecution Department of Constanta. According to the Government, the above-mentioned allegations were investigated by the Military Prosecution Department of Constanta. The latter had concluded that the only existing signs of violence had been caused by a fight between Belmondo Cobzaru and his brother-in-law, which had led to his being summoned to the police station.

613. Dumitru Auraş Marcu and his wife, Mariana Marcu, were reportedly arrested following a quarrel between the man and his brother-in-law by police in a café in Razvad, on the evening of 20 July 1997. The two policemen who came to arrest them were said to have sprayed them with nerve gas and to have struck them. Mariana Marcu was allegedly struck on the chin, which caused her to fall. Dumitru Auraş Marcu, according to reports, was handcuffed and beaten during the whole time he was being taken to the police station. He was reportedly left tied up to a metal post outside the police station, and later released without any charge being brought against him. A forensic medical expert was said to have issued a certificate to the effect that fractures had been caused. They reportedly lodged complaints for ill-treatment with the Military Prosecution Department of Ploiesti and the Târgoviste police. According to the Government, the police had been obliged to use tear-gas to overcome Dumitru Auraş Marcu at the time of his arrest. In front of the police station, being in a drunken state, he had thrown himself several times on the ground and had hit his head on the ground. The complaint to which the Special Rapporteur had referred had been forwarded to the Military Prosecution Department of Ploiesti, who decided that no criminal proceedings would be taken against the policemen involved.

614. By the same letter, the Special Rapporteur reminded the Government of a number of cases communicated in 1996 and 1997, to which no reply had been provided (see below).

## Follow-up to previously transmitted communications

615. By letter dated 16 December 1997, the Government replied to allegations sent by the Special Rapporteur on 9 July 1997 (see E/CN.4/1998/38/Add.1, paras. 333 to 346).

616. With regard to Toader Pahomi, the Government stated that he had been arrested in September 1994 and convicted of homicide. The Government confirmed that he had lodged a complaint for ill-treatment, which had been investigated by the territorial Military Prosecution Department of Bucharest. In 1995, the case against the accused policemen had been dropped.

617. With regard to Victor Mandiuc, the Government stated that he had been arrested in August 1995 as a result of scandalous behaviour due to a state of drunkenness. On the day following his arrest, he was examined by a doctor. Because of alcohol withdrawal, Victor Mandiuc became violent, forcing the inmate with him to hit him in order to restrain him. Following a third quarrel between the two detainees, Victor Mandiuc died on the evening of his fourth day of detention. The autopsy subsequently revealed that death had been caused by a fracture of the larynx. The Government pointed out that in the cell where he was detained, there were seven other persons, who never

reported the aforementioned attacks to the guards. The military Procurator in charge of the investigation concluded that the guards in charge had not acted unlawfully.

618. Concerning Radu and Nelu Mirea, the prison report stated that they had no apparent injury at the time of their arrest. The Government later indicated that, contrary to the allegations submitted, they had been transferred 11 days later to the prison of Brăila.

619. With regard to Ionel Deliu, Gheorghe Pădure and Lazăr Costică Stegaru, the Government confirmed that the three policemen involved had been found guilty and had been given a two-year suspended prison sentence on 26 February 1997. The policemen had appealed to the Territorial Military Court of Bucharest, which was to deliver its judgement in November 1997. In accordance with the law regarding the status of military officers, until the Court judgement was delivered, the three policemen were held available to the Court and only one of the policemen had been replaced at work.

620. Regarding Ovodiu Tamas, the Government stated that he had been heard at the police station twice in June 1996. After a complaint was lodged for ill-treatment, the Military Prosecution Department of Oradea dismissed the case against the accused policemen on 12 December 1996. The Government also indicated that in the course of the inquiry, another person arrested at the same time as Ovodiu Tamas had recognized that his injuries had not been caused by the policemen.

621. Regarding Gheorghe Notar, Ioan Ótvós and Rupi Stoica, the Government stated that the three under-age youngsters had been arrested for theft on 7 July 1996 and admitted to the juvenile centre of Târgu Mures, until they were released on 15 July 1996. An investigation conducted by the Territorial Military Prosecution Department of Bucharest concluded on 16 October 1997 that they had not been subjected to ill-treatment.

622. Regarding Daniel Potroghiru, the Government stated that at the time he had been transferred to the Bacau prison, on 1 October 1996, he had shown no signs of violence. The Government noted that he had never complained of ill-treatment and that he had later been taken to Jilava prison hospital for a kidney disorder resulting from an earlier operation.

623. Regarding Marius Liviu Niculescu, the Government stated that on the same day of his arrest, he had been transferred to the police station of Fieni at the Departmental Commissariat of Dâmbovita, where he had asked in the evening for permission to consult a doctor. He was taken to the hospital of Târgoviste, where he underwent surgery. After he had complained to the Military Prosecution Department of Ploiesti, an inquiry had concluded that the accused policemen had not subjected him to any violence. On 31 January 1997, the Military Prosecution Department of Ploiesti had therefore decided not to undertake criminal proceedings against the policemen.

624. Regarding Adrian Sandu and Mihail Alexandrescu, the Government indicated that at the time of their arrest on a public highway, a pet dog had escaped and bitten Adrian Sandu. Following complaints lodged by the two above-mentioned persons, the Commander of Section No. 11 had decided that the

two accused policemen had not followed the rules of professional conduct and he had therefore brought the case before the Territorial Military Prosecution Department of Bucharest, which had started criminal proceedings for wrongful behaviour.

625. Concerning Christian Rasnoveanu, the Government stated that when he had been imprisoned, the doctor on duty had recorded that he showed no injury. Two months later, he had been transferred to the juvenile re-education centre of Tichilesti. The Government stated that, according to an inquiry, Christian Rasnoveanu had not been subjected to ill-treatment by the police.

626. Regarding Ion Axente, the Government stated that the accused policeman had had a coffee in the bar where Ion Axente, in a state of drunkenness, had fallen on the floor. Following the fall, he had been taken to hospital on 30 January 1996 with a high level of alcohol in the blood. A forensic medical report dated 2 February 1996 found traumatic lesion due to contact with a hard surface, which endangered the patient's life. He died on 13 June 1996. According to the Government, his death was due to bronchopneumonia and skull and brain damage. On 1 March 1996, the Military Prosecution Department of Iasi decided not to undertake criminal proceedings against the accused policeman. The Government further indicated that, in view of the attention given to the case in the media, more inquiries had been conducted, but had reached the same conclusion.

627. Regarding János Döngolö and Mihály Rozs, the Government confirmed that the two youngsters had been struck by a policeman in the course of a quarrel in a discothèque in December 1996. The policeman involved had continued to beat them while they were being detained at the police station. The Government indicated that the sergeant responsible for those acts had been placed on the reserve list and that the Military Prosecution Department of Târgu Mureş had been notified of the case.

628. By the same letter, the Government replied to the allegations sent by the Special Rapporteur on 7 August 1996 (see E/CN.4/1997/7/Add.1, paras. 405 to 412).

629. Regarding Ioan Epure, the Government stated that when he had been questioned by the Prosecutor and in the presence of his lawyer, he had not complained of ill-treatment by the police. After he had been convicted of murder, he had lodged several complaints for ill-treatment, which had been investigated by the Military Prosecution Department of Iasi. The investigation had reached the conclusion that he had not been ill-treated. The Government finally indicated that his last complaint had been dismissed by an order dated 13 November 1995 ending criminal proceedings against the accused policemen.

630. Regarding Liviu Petrişor Oprea, the Government stated that after his arrest, he had been very agitated and disturbed at the police station, as a result of which he had been examined at the town hospital. He had left the hospital on the same day. According to the Government, 34 days after the incident, he had gone to the forensic medicine laboratory to be examined and had then obtained a medical certificate reporting slight injuries caused by a hard object. On 14 April 1993, he had been admitted to the hospital of Viola

for post-traumatic depression, and had remained there until 18 May 1993. From 27 May to 1 June 1993, he had willingly undergone neurological tests at Ploetsi hospital, as a result of which he had been declared cured. In the light of all the examinations he had undergone, the Government concluded that the epilepsy affecting him was not due to the alleged attacks by policemen. Lastly, the Government confirmed that the Military Prosecution Department of Ploiesti was investigating the possibility of wrongful inquiry.

631. Regarding Ilie Cojoc, the Government confirmed that he had appeared several times at the police station for questioning in January 1995. On 17 January 1995, he had gone to the departmental forensic medicine laboratory, which had issued a certificate. He had then lodged a complaint with the Military Prosecution Department of Bacau, which had started criminal proceedings on 4 July 1995 against the four policemen involved. On 19 October 1995, the Prosecution Department had decided to try them for illegal arrest and unlawful inquiry. According to the Government, on 10 November 1995, the Prosecution Department brought the case before the Territorial Military Court of Bucharest.

632. Regarding Viorel Constantin, the Prosecution Department of the Military Appeal Court of Bucharest concluded that the three accused Tăndărai policemen had committed violence against him, causing bodily injury requiring medical treatment. The Government indicated that the case had been referred back for judgement to the Military Court of Bucharest.

633. Regarding Kiss Istvan, the Government stated that he had not suffered any violence while in detention at the police station. According to the Government, one hour after he had been heard at the Court of Satu-Mare on 23 January 1995, he had been found unconscious in the middle of a street and immediately taken to hospital, when he was already in a coma. Despite the care he had received, he died on 6 February 1995. According to the forensic medical report, his death was due to brain damage caused by a violent blow. Nevertheless, the Government indicated that the investigation conducted by the office of the Military Procurator of Bucharest had concluded that the police was not involved in Kiss Istvan's death. A new inquiry had been ordered to identify his attacker.

634. Regarding Alfred Pană, the Government stated that he had been found dead at home three days after coming to fetch his son-in-law, Gabriel Mitu, at the police station of Suditi. The nurse who had registered the death had noted cardiac-respiratory arrest, high blood pressure and alcohol poisoning. Since the death certificate had not been issued by an authorized person and since rumours were circulating concerning alleged ill-treatment of Alfred Pană by the police, the chief of the Departmental Police had requested the opening of an inquiry at the office of the Military Procurator of Bucharest. The resulting forensic medical report found that the death had been non-violent and had confirmed the nurse's report.

635. Lastly, the Government noted that all forms of violence, threats or ill-treatment against a person were punishable under the Criminal Code and that the victims of such treatment could lodge a complaint with the appropriate authority and obtain material or moral compensation. In

addition, any evidence obtained by force was null and void. The Government also indicated that during the period between 1990 and the first half of 1997, 240 policemen had been tried for unlawful behaviour. Other cases had been reported in a number of prisons. According to the Government, in order to prevent the occurrence of such treatment, the procurators regularly carried out spot checks in custodial premises of the police. The Government also indicated that a new bill on the enforcement of penalties allowed detainees to have access to a doctor of their own choosing, and to talk confidentially with a procurator.

### Observations

636. The Special Rapporteur has received an invitation from the Government to visit the country. He hopes the visit will take place in 1999 and looks forward to the opportunity to assess the situation at first hand.

## Russian Federation

637. By letter dated 10 November 1998 the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 regarding which no reply had been received.

### Urgent appeals and replies received

638. On 20 November 1998, the Special Rapporteur sent an urgent appeal on behalf of Aliboy Yuliakhshiyev, one of the most prominent and senior members of the Uzbek opposition movement *Birlik* ("Unity"), who reportedly fled Uzbekistan in 1994. He reportedly continued his opposition political activities in exile and helped organize the clandestine distribution in Uzbekistan of the banned opposition newspaper *Erk*, which is printed abroad. He was reportedly arrested by the Russian police on 3 November 1998 in Moscow, where he had been residing since last September. He was allegedly detained at the request of the Uzbek authorities, who issued a warrant for him in 1995 and accused him of attempting to overthrow the constitutional order of Uzbekistan. The charge also allegedly stems from his participation in the distribution of *Erk*. He could be sentenced to 10 years in prison if found guilty. He was supposedly held in the "temporary detention isolator" (IVS) at the central Moscow police station of Petrovka 38, and his relatives had allegedly been denied access to him. However, it is said that he has been recently transferred to the Matrosskya Tishina prison in Moscow. He was reportedly facing imminent and forcible repatriation to Uzbekistan.

### Follow-up to previously transmitted communications

639. By letter dated 6 June 1998, the Government responded to some of the cases that had been submitted by the Special Rapporteur in November 1997 (see E/CN.4/1998/38/Add.1, paras. 365, 356-357).

640. Concerning Uvanchaa Dozur-ool Mongushevich, the Government indicated that in January 1995 he left his division at his own will. He was released from pre-trial detention in August 1996. No mention is made of the alleged beatings by fellow-soldiers he allegedly sustained.

641. Concerning Hasan Khamidov and Ruslan Hajiev, the Government indicated that there was no communication by residents of the Chechen Republic filed with the competent federal organs of the Russian Federation.

## Rwanda

### Regular communications and replies received

642. By letter dated 23 September 1998, the Special Rapporteur informed the Government that he had received information concerning the conditions in which prisoners were held and which in some cases placed their lives at risk. Overcrowding, as well as the lack of hygiene and medical care, were said to have been the cause of many deaths due to infectious diseases. According to reports, some prisoners had also been deliberately deprived of medical care. Food rations were said to be extremely inadequate. Persons detained in communal centres had to rely on friends and relatives for their needs. Despite the fact that some new detention centres had been built, the central prisons and cells were reportedly overcrowded, well in excess of their maximum capacity, although arrests were continuing and few prisoners were being released. In addition, juveniles were apparently still being held in the same conditions as adults.

643. By the same letter, the Special Rapporteur also informed the Government that he had received information concerning the following cases.

644. Jean-Claude Ntidendereza was reportedly subjected frequently to ill-treatment after his arrest by the military on 1 July 1997. He had allegedly been arrested in connection with threats that he was supposed to have received from a local dealer, after refusing to approve the sale of the latter's flock, on the grounds that some of the animals were unfit for human consumption. According to reports, he was detained in the communal cell of Bwakira, where he had been frequently beaten. He was also said to be suffering from extensive burns, due to the fact that the guards had allegedly poured molten plastic over his body.

645. André Safari was reportedly one of a group of prisoners said to have been subjected to ill-treatment during their detention at the military camp of the commune of Shyorongi. On 4 February 1997, five prisoners had allegedly required medical treatment as a result of several separate incidents. André Safari had reportedly suffered a broken knee and substantial open injuries as a result of the blows he had received a few weeks earlier in Bicumbi. He had subsequently reportedly been taken to the military detention centre of Shyorongi, then to the communal prison, where in both cases he had been subjected to further beatings.

646. Juvénal Turatsinze was reportedly arrested on 26 January 1997, on his return to the former Zaire. He had since been held apparently at the Bwakira centre in Kibuye, where he was said to have developed an eye infection, which was likely to cause blindness if not treated in time. According to reports, he has still not received medical treatment for that infection.

## Urgent appeals and replies received

647. On 24 December 1997, the Special Rapporteur sent an urgent appeal on behalf of Philomène Mukabarali, wife of Sylvestre Kamali, former Rwandan diplomat and former President of the local Gisenyi branch of the Republican Democratic Movement, who had himself been arrested in July 1994. She was reportedly arrested on 19 December 1997 by a group of men, some of whom were wearing military uniforms, who entered her house and forced her to go with them. Nine other persons were allegedly arrested at the same time as she was: Thérèse, a Ministry of Education employee, Balthazar, a driver, and Ndagijimana, as well as three workers and three visitors. Her state of health, which needs regular medical attention, could deteriorate rapidly, especially since she has allegedly not been authorized to take her medicines with her.

## Saudi Arabia

## Urgent appeals and replies received

648. On 10 June 1998, the Special Rapporteur transmitted an urgent appeal on behalf of Farzana Kauzar, a Pakistani woman, her daughter, Fakeja Ijaz, aged 6, and sons, Mohamed Saad, aged 9, and Mohamed Assad Ijaz, aged 3. They were allegedly held in secret detention or had restrictions on their freedom of movement in Saudi Arabia for eight months. The family was reportedly arrested on 8 October 1987 at their home in Dahran by members of the al-Mabahith al-Amma. It was reported that the mother had not been charged with any recognizable criminal offence, nor had legal access. The mother and children were said to be held as hostages in order to force the children's father to return to Saudi Arabia. The father is reportedly sought by the authorities for a business dispute between his employer and the Governor of the Eastern Province.

649. On 1 July 1998, the Special Rapporteur sent an urgent appeal on behalf of the following persons in Riyadh, who were reportedly arrested in connection with their religious activities by al-Mutawa'een, the religious police: Wim Den Hartog, a national of the Netherlands, who was arrested on 13 June 1998, Ariel Ordona and Angelito Sizo, both Filipinos, who were arrested on 6 June 1998 and Ruben Aguirre, a Filipino pastor arrested on 10 June 1998. They had allegedly been held in incommunicado detention since their arrest. Furthermore, Yolanda Aguilar was also reportedly arrested on 15 June 1998, when she was nine months pregnant, and subjected to torture and ill-treatment. She was said to be held in isolation at the Government Social Security Hospital in Riyadh and the birth of her child was said to have been induced against her will. By letter dated 21 October 1998, the Government stated that, in accordance with its general regulations and international law, it had not imposed any interdiction on religious belief of non-Muslims in the country, even though its population was entirely Muslim. Regarding this case, the Government stated that those persons had sought to transgress security by exercising religious activities which probably irritated and enraged some citizens, and that their actions had called for the intervention of the security forces. The Government further stated that the persons involved were arrested to safeguard security, but they were all released and had left Saudi Arabia for their own country. Finally, the Government stated that the allegation that those persons had been coercively detained, tortured or ill-treated was not supported by conclusive evidence.

## Senegal

### Regular communications and replies received

650. By letter dated 3 September 1998, the Special Rapporteur informed the Government that he had received information concerning the situation of persons arrested and detained in Casamance on suspicion of entertaining contacts with the Mouvement des forces démocratiques de Casamance (MFDC). Those persons were allegedly subjected by the security forces to acts of torture and other ill-treatment, for the purpose not only of extracting confessions, but also and perhaps chiefly to serve as examples so as to institute a climate of terror within the population, with a view to withdrawing support from the MFDC independence movement. That would be a way of influencing all categories of the population. The acts were alleged to take place at the time of the arrest, during police custody, when detainees were being interrogated and were generally held incommunicado by the Gendarmerie, and lastly while detainees were being transferred by boat from the prison of Ziguinchor to that of Dakar. The methods of torture used by security forces are said to include: the technique known as the "monkey walk", which consists of making detainees walk in line, bent over, with one hand between their legs holding the hand of the detainee behind them, while they are beaten on the back; beating a person on the stomach with a stick, while the upper part of the body is concealed down a hole; suspending a person upside-down for hours; burning a person's face with cigarettes; pulling out the hairs of a person's head and beard and making him eat them; obliging a person to ingurgitate all kinds of dangerous products, such as petrol; crushing a person's genitals; beating a person while the person is suspended from an iron bar by the feet and wrists; or subjecting a person to electric shocks. The acts of torture supposedly stop whenever an officer enters the room where they are occurring and orders the ill-treatment to cease. However, they are said to start again as soon as the officer leaves the room, without the latter appearing to want to intervene again. No disciplinary penalty ever seems to have been taken against those committing the acts of torture.

651. By the same letter, the Special Rapporteur informed the Government that he had received information concerning Sally Traoré, reportedly arrested at her home in Aniak by soldiers on 10 February 1995. She was allegedly accused of having supplied funds to the MFDC. She was said to have been taken to the military camp of Aniak, a few yards away from her house. There she was allegedly undressed and her eyes were taped up with adhesive tape. She was then allegedly taken in a vehicle to an unknown destination. According to reports, she then spent two nights, still blindfolded, in a hole dug in the ground. With her hands tied behind her back, she was then reportedly beaten with sticks. She was supposedly being questioned about suspected relations with the MFDC. The reports said she was then released and attended medically at the hospital of Ziguinchor for multiple bruising.

## Sierra Leone

### Urgent appeals and replies received

652. On 21 January 1998, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the right to freedom of opinion and expression on behalf of Sylvanus Kanyako, David Koroma and Anthony Swaray, three

journalists who were allegedly arrested without charge and detained in Freetown. The arrests on 10 January 1998 of Sylvanus Kanyako and David Koroma, both from the *Herald Guardian* newspaper, were reportedly related to the publication of an article in the *Herald Guardian* which anticipated the arrest of a senior member of the Armed Forces Revolutionary Council. Anthony Swaray, a freelance journalist, was reportedly arrested around 14 January 1998 because of his alleged links with an illegal radio station. While Sylvanus Kanyako was reportedly held at the Criminal Investigation Department (CID) headquarters in Freetown, his arms were said to have been secured tightly behind his back. David Koroma was allegedly ill-treated while in custody and was later admitted to hospital.

653. On 29 January 1998, the Special Rapporteur sent an urgent appeal on behalf of the following individuals from the town of Kenema, who had allegedly been arrested in the previous two weeks, on suspicion of supporting a local opposition civil defence force: Brima S. Massaquoi, Brima Kpaka, a businessman, Swaray Kokowa (alias Abdulai Bockarie), Dr. D.P.B Momoh and Dr. Stevens. They were reportedly held at the military brigade headquarters in Kenema, where some of the detainees had allegedly been tortured and ill-treated, including one who is said to have had his ears cut off.

654. On 16 February 1998, the Special Rapporteur sent an urgent appeal on behalf of a number of persons from the town of Kenema, who were allegedly rearrested, on suspicion of supporting a local opposition civil defence force. Among those rearrested were Brima S. Massaquoi, Brima Kpaka, Swaray Kokowa, Dr. Momoh and Dr. Stevens. The following persons were said to have been arrested on the same days: Matthew Lebbie, Patrick J. Kanneh, Andrew Quee, John Swaray, Samuel Sam, Francis Musa and Paramount Chief Moinama Karmor. The above-mentioned persons had allegedly been tortured and ill-treated and had sustained serious injuries.

## Spain

### Regular communications and replies received

655. By letter dated 3 November 1998, the Special Rapporteur informed the Government that he had received information concerning the following cases.

656. Endika Leonardo Gonzalez was reportedly arrested in Galdakao, Bizkaia, on 21 November 1994 by the Civil Guard. According to information received, after being kept for three days incommunicado and being subjected to physical and psychological torture, including beatings all over the body; sight deprivation; sleep deprivation; death threats; threats of being hurled to his death; humiliations to personal dignity and identity; questioning in a state of nudity, the person in question was released without charges. According to a preliminary medical examination, he was said to display stiffness, high CPK and a condition indicating acute stress. He was later said to have been diagnosed as suffering post-traumatic stress. Charges of torture were to be brought against agents of the Civil Guard in January 1998.

657. Urtzi Garcia Montero, aged 18, was reportedly threatened in the presence of witnesses on 23 April 1988, in the morning, in the Provincial High Court of San Sebastian, by an agent of the Ertzaintza (Autonomous Basque Police). That

same evening, he was allegedly attacked in the street Nagusia 12-5 left in Hernani, Guipúzcoa, while he was fishing in the river Urumea, by a person wearing an Ertzaintza uniform. He was allegedly beaten. The attacker was said to have left the place accompanied by another police official in a vehicle bearing official Ertzaintza markings. A complaint was lodged before the Court of Investigation No. 5 of San Sebastián, Guipúzcoa. After several arrests by the National Police Corps for acts of sabotage and on charges of striking a guard, he was released by the magistrate-judge who took down his statement.

658. Owing to limited human resources, the Government's replies dated 4 and 8 December 1998 could not be included in this report, but will be submitted in the next.

## Sri Lanka

### Regular communications and replies received

659. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information indicating that torture and other forms of ill-treatment are employed on a widespread basis by members of the security forces, particularly against Tamils held in detention. Despite judicial pronouncements against these practices, various methods of torture are said to continue to be used in police stations and other detention centres where individuals are forced to confess that they are Liberation Tigers of Tamil Eelam (LTTE) members or sympathizers. Worse forms of torture and ill-treatment are believed to be inflicted on persons arrested under the Prevention of Terrorism Act and detained in police stations or army camps. These methods reportedly include electrical shocks and beatings all over the body; in particular, detainees are believed to be often beaten with sand-filled plastic pipes, iron rods or truncheons on the soles of their feet and genitals. Victims may reportedly also be suspended by their wrists or feet for long periods, forced to assume contorted positions, or spun at high speeds on revolving platforms; victims may be burned, or submerged in water - almost to the point of drowning. Sometimes bags soaked in insecticide, chili powder or gasoline are placed on a detainee's head. Further, chillies may be put in a detainee's rectum or bottles put into a woman's vagina. Rape is also widely employed as a form of torture against the Tamils in detention, victimizing the women and children, or relatives forced to witness the rape. Tamils are allegedly locked up in tiny dark cells with no food or toilet facilities for many days. Tamil detainees are often allegedly kept in the same detention centres as convicted criminals of Singhalese origin. Several clashes between the two communities, which were allegedly neither prevented nor repressed by jail guards, have been reported. In a letter dated 4 December 1998, the Government referred to the Committee against Torture which reportedly appreciated the difficult situation under which the Government was implementing the Convention and recognized its efforts whilst also recognizing that action needed to be taken to further address the concerns raised similarly by the Special Rapporteur. The Government further pointed out that the type of highly exaggerated descriptions of ill-treatment mentioned above remain unsubstantiated allegations. It indicated that all places of detention were open to the ICRC, which made periodic and ad hoc

visits and interviewed detainees. Finally the Government referred to the newly created Human Rights Commission of Sri Lanka, which had made over 700 visits to places of detention during the previous 18 eighteen months.

660. By the same letter the Special Rapporteur advised the Government that he had received information on the following cases to which the Government responded by letter dated 4 December 1998.

661. Sadayan Anantharasa, Sinnaddy Sivapatham and Subramanian were reportedly attacked on 22 December 1997 by members of the Sri Lankan Army, who allegedly ordered them to remove their clothes, tied their hands and assaulted them with guns. The Government indicated that the above-mentioned individuals had not been attacked by the soldiers and that the Ministry of Defence was making further inquiries about Sadayan Anantharasa at hospitals where he was alleged to have received medical treatment.

662. Arumugam Reedda, a woman from Maravanpulo, was reportedly assaulted in April 1995 in her own home by members of the Sri Lankan Army, who accused her of sympathizing with the LTTE. The Sri Lankan Army members allegedly beat her several times, threatened her with death, and one officer was alleged to have tied her hands, throttled her neck and chest, and continued to slap her even though her teeth had fallen out. The Government indicated that no army unit had conducted any operations in her area and, therefore, the allegation was unsubstantiated.

663. By the same letter the Special Rapporteur reminded the Government of a number of cases submitted in 1997, to which the Government replied by letter dated 4 December 1998 (see below).

### Urgent appeals and replies received

664. On 11 August 1998, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the independence of judges and lawyers, sent an urgent appeal on behalf of Weerasinghe Arrachige Janaka Chaminda, who was arrested on 6 August 1998. He was reportedly detained at the Ja-ela police station and beaten by a police inspector. His friend, Mr. Milroy, reportedly went to visit him and was also detained and beaten at the same police station. It was alleged that they had been denied family and legal access, had not been charged, and had not been brought before a judicial authority.

665. On 28 August 1998, the Special Rapporteur sent an urgent appeal on behalf of Somaratne Rajapakse, who was sentenced to death along with five other members of the security forces after being found guilty of the rape, abduction and murders of a young woman, her mother, brother and neighbour. After Somaratne Rajapakse was attacked by prison guards on 23 August 1998 and sustained injuries to his mouth, eye and chest, he was allegedly held in the Welikade prison hospital, where one of his attackers visited and threatened him. By letter dated 22 September 1998, the Government indicated that minimum force was used against Somaratne S. Rajapakse in order to retrieve a document found in his cell, which he tried to swallow to conceal. At the inquiry following this incident, Smaratne Rajapakse testified that prison officers had tried to force him to retract his earlier statement about mass graves in

Chemmani and that, because he reportedly refused to do so, officers assaulted him. According to the Government, he was examined by the prison doctor who observed contusions on his mouth consistent with the evidence of the prison officers who had attempted to retrieve the aforementioned document. No other injuries were observed. The Government further indicated that four other prisoners, who were convicted for the same murder, did not support Mr. Rajapakse's statements. Therefore, the Inquiring Officer had found these allegations to be false. Finally, the Government indicated that, because of his several attempts to escape, special security arrangements had been made to ensure his safety, and that he would be transferred to another prison, as requested by him.

Follow-up to previously transmitted communications

666. By letter dated 4 December 1998, the Government responded to two cases that had been submitted in 1997 (see E/CN.4/1998/38/Add.1, paras. 393-395).

667. Concerning Velan Rasamma and Velan Vasantha, the Government indicated that a case for alleged rape had been instituted in the Magistrate's Court of Batticaloa, but that the complainants could not identify the suspects. The District Medical Officer of the Eravur hospital had submitted two medical reports to the effect that there was no evidence of rape. The court had therefore discharged the suspects.

668. Concerning Murugesupillai Koneswary, the Government indicated that investigations had been carried out. The magistrate returned a verdict of homicide on 17 June 1997 and ordered further investigations. A second post-mortem inquiry was made and the inquest proceedings were pending. According to the Government a verdict is due on 5 January 1999. The outcome of the magisterial inquest will then be made public.

Observations

669. The Special Rapporteur shares with the Committee against Torture (A/53/44) an appreciation of the "extremely difficult times for the country" (para. 247 (a)) which faces "a serious internal situation, which however in no way justifies any violation of the Convention" (para. 248 (a)) and stresses the Committee's grave concern at "information on serious violations of the Convention, particularly regarding torture linked with disappearances" (para. 249).

## Sudan

Regular communications and replies received

670. By letter dated 23 October 1998, the Special Rapporteur advised the Government that he had received information that the use of torture remains widespread. The security forces reportedly continue to use "ghost houses", places where political opponents are detained incommunicado under harsh conditions for an indeterminate time and with no supervision by the courts or other independent authorities with power to release the detainees. Political opponents are also held incommunicado in the security wing of Khober prison in Khartoum, a condition which leads them vulnerable to torture.

671. By the same letter the Special Rapporteur advised the Government that he had received information on the following cases. By letter dated 3 December 1998 the Government responded to some of these cases.

672. Mohamed Adbelsalam Babiker, a member of the Democratic Front, was reportedly arrested on 3 August 1998 following student demonstrations at the University of Khartoum. On the morning of 4 August, Mohamed Adbelsalam Babiker remained in custody, and his death was officially announced later, as a result of "student clashes". The autopsy, however, allegedly indicated that he had died of a brain haemorrhage, as the result of repeated beatings on the head with sharp instruments.

673. Abdulrhman Abdalla Nugdalla, a former minister of religious affairs and a leader of the Umma party, and Sheikh Abdelmahmoud Abu, Secretary General of the Ansar movement, were reportedly arrested on 29 June 1998 and 6 July 1998 respectively, on charges that they were responsible for the bombings in Khartoum during June 1998. They were allegedly held incommunicado in deplorable conditions. They were reportedly kept in half-metre cells open to the sun, where they were exposed to heat and humidity that has caused severe reactions to their eyes and skin. Further, Abdulrhman Abdalla Nugdalla had allegedly been denied medical care. The Government indicated that both had been released on 13 October 1998 after the investigations had proved no case against them.

674. Mekki Kuku, a Sudanese Christian, was reportedly arrested in June 1998 on charges of having violated the country's apostasy law. He was allegedly placed in solitary confinement at the Islamic Faith Research Centre in Khartoum and tortured, both physically and psychologically. He was also reportedly promised financial and social rewards if he renounced his Christian faith. He was reportedly held in Omdurman prison while awaiting trial. The Government indicated that Mekki Kuku, whose correct name is Al Faki Kuku, was charged with apostasy in June 1990 under section 126 of the Sudan Criminal Law Act of 1991.

675. Amin Badwi Mustafa was reportedly detained on 4 October 1997 by the Sudanese security forces and his whereabouts remained unknown following his arrest. His body was reportedly identified by his brother, who had discovered that Amin Badwa Mustafa died as a result of severe torture.

676. Mahagoub El Zubier, Yahya Abdalla, Mohamed Fadol, Nassur Mohamed Nassur and Abdalla Ali Abdalla, all members of the Executive Committee of the General Union of Sudanese Workers Federation, an organization banned since the coup d'état of 30 June 1989, were arrested on 16 July 1998 during a meeting held at the Union's office. They were reportedly held at the Khartoum North Security Headquarters, where they had been subjected to beatings with rubber hoses. The Government indicated that Mahagoub El Zubier had never been detained and that Yahya Abdella, whose correct name is Yahya Ali Abdella, and Nassur Mohamed Nassur, were detained in connection with terrorist activities in 1997 and were released more than a year ago after investigation. The Government further stated that their physical and psychological integrity and human rights were guaranteed during the investigation.

### Urgent appeals and replies received

677. On 5 January 1998, the Special Rapporteur transmitted an urgent appeal in conjunction with the Special Rapporteur on the situation of human rights in the Sudan on behalf of Bass Mustafa, Abdulhadi Ahmed Eikhidir, Alkhair Alsadig Hassan Musa Alsegaler and Omar Ali Mohamed, who were all allegedly linked with an armed group said to be affiliated with the Umma Party. They were reportedly captured near Kassala on 8 December 1997 and displayed on Sudanese television handcuffed and showing signs of lacerations and bruises. The Government was said to have acknowledged their capture.

678. On 21 January 1998, the Special Rapporteur sent an urgent appeal in conjunction with the Special Rapporteur on the situation of human rights in the Sudan on behalf of Nasir Hassen. He was allegedly arrested by Sudanese security officials on 1 October 1997 and had not been seen or heard from since. He was reportedly arrested because he had converted to Christianity. On 1 October 1997, he was reported to have been seen being placed on board a plane destined for Khartoum by Sudanese security officials.

679. On 3 July 1998, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, transmitted an urgent appeal on behalf of Nugdalla Abelrhman, who was among the leadership of the Umma Party. Nugdalla Abelrhman was reportedly arrested on 30 June 1998 without warrant and without charge. On 29 June 1998, security officers allegedly visited his home and asked him to present himself at the North Khartoum Security Office. He reportedly went to the office the next morning, later returned home to collect personal belongings, and was said to have been led away by the officers. By letter dated 21 September 1998, the Government replied that he was arrested on the basis of information given by those caught in the bombings in Khartoum. The Government stated that, according to the testimonies of those accused, he and others were arrested for having supervised and financed the plot. Furthermore, the Government assured the rapporteurs that an investigation was being conducted to ascertain the facts in the case and that those detained were treated in accordance with laws that guaranteed their right to physical integrity.

680. On 4 September 1998, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal on behalf of two Sudanese priests, Fathers Lino Sebit and Hilary Boma, who were arrested on suspicion that they were involved in the explosions that took place in Khartoum on 30 June 1998. Father Lino Sebit was reportedly arrested on 29 July 1998 when he voluntarily went to the office of the security forces a day after 40 secret security force men had forced entry into the Hailet Mayo church in Khartoum, with the intent of arresting Father Sebit. Father Sebit was allegedly being detained at Khartoum North Police Investigation Bureau. Father Hilary Boma was allegedly detained on 1 August 1998, when 40 to 50 security police officers forced entry into Saint Matthew's Cathedral in Khartoum.

681. On 9 November 1998, the Special Rapporteur sent an urgent appeal on behalf of Mustafa Zaki Al Hakim, who was reportedly arrested on 17 October 1998 at his home. He was allegedly accused of being behind a

campaign organized against the forcible conscription of students. His whereabouts remain unknown. His wife has constantly been denied access to him by security officials.

Follow-up to previously transmitted communications

682. By letter dated 9 January 1998, the Government responded to an urgent appeal sent by the Special Rapporteur in conjunction with the Special Rapporteurs on the situation of human rights in the Sudan, on violence against women, and on the freedom of opinion and expression regarding a gathering of women in front of the UNDP offices in Khartoum (see E/CN.4/1998/38/Add.1, para. 405). The Government indicated that that gathering had been illegal and that the authorities had to prevent any act that was likely to cause a breach of the public peace or tranquility, as well as to protect the United Nations office in Khartoum. No mention of the allegations of ill-treatment was made.

Observations

683. While continuing to appreciate the replies of the Government, the Special Rapporteur considers that the concerns he expressed in last year's report remain applicable, especially in the light of its cavalier response to the events at the UNDP office in Khartoum.

## Sweden

Follow-up to previously transmitted communications

684. By letter dated 3 March 1998, the Government responded to an urgent appeal sent by the Special Rapporteur in December 1997 (see E/CN.4/1998/38/Add.1, para. 412), on behalf of Halil Aydin, a Kurd of Turkish nationality. The Government stated that he had entered Sweden on 7 July 1990 without passport documents. It further indicated that the authorities had decided not to expel him to Turkey while his case was under consideration by the Committee against Torture, which had also submitted a letter to the Government seeking information and observations on the case.

## Switzerland

Regular communications and replies received

685. By letter dated 3 September 1998, the Special Rapporteur informed the Government that he had received information concerning Bertrand Egsbaek, who was allegedly arrested and beaten by three policemen of the St. Gall police force on 22 May 1997. He was supposedly stopped in the street by three plain-clothes policemen, who were under the impression that he had stolen a bicycle. They allegedly beat, kicked, handcuffed and strangled him. After being led to the police station, Bertrand Egsbaek was said to have had to undress completely and to have been thrown in a cell. According to reports, he was subsequently released in the middle of the night and was threatened by the three policemen, against whom he had said he would lodge a complaint. He was said to have lodged a complaint for abuse of authority and ill-treatment. On 18 August 1997, the Office of Complaints of the Canton of St. Gall (Anklagekammer) apparently decided not to open a criminal

investigation against the accused policemen. By letter dated 17 November 1998, the Government said that, in a state of drunkenness, Bertrand Egsbaek had fiercely resisted arrest by the three policemen. After an identity check, he had been released. The Government stated that, following his complaint, the St. Gall Indictment Division had rejected the complaint, in the course of a preliminary procedure to determine whether sufficient factual elements were available to justify the opening of actual criminal proceedings. According to the Indictment Division, the three police officials had acted in accordance with the law and the principle of proportionality. The Government indicated that, in the light of that conclusion, no disciplinary measure had been taken against the three accused policemen. It noted finally that Bertrand Egsbaek had not appealed to the Federal Court against the decision of the Indictment Division.

## Syrian Arab Republic

### Urgent appeals and replies received

686. On 12 August 1998, the Special Rapporteur sent an urgent appeal on behalf of Nu'man 'Abdu, a journalist, Jurays al-Talli, Salama George Kayla, a Palestinian writer and journalist, and Mahmud 'Isa. All four were reportedly serving sentences of up to 15 years in connection with their involvement in the Party for Communist Action and their peaceful opposition to the Government. Three of the above-named persons were believed to require special medical care. Tadmur Military Prison is allegedly seriously lacking in facilities for personal hygiene and accommodation. Furthermore, the four above-named persons were said to be held incommunicado and denied access to their families.

687. On 20 August, the Special Rapporteur sent an urgent appeal on behalf of Musa 'Alika, who was arrested on 11 July 1998 by Syrian military intelligence on his arrival at the Aleppo airport from Germany. He was reportedly detained in the Palestine Branch of the military intelligence in Damascus. He belonged to the Kurdish ethnic group in Syria and had lived in Germany as a political refugee for several years.

## Thailand

### Regular communications and replies received

688. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information alleging that African prisoners in Bangwang Maximum Prison are subjected to inhumane conditions which are deliberately more deplorable than those faced by prisoners of other races. Basic necessities are reportedly not provided by the prison authorities and must be purchased by prisoners from corrections officers who profit from the prisoners' desperate circumstances. Basic necessities are therefore out of reach for many prisoners. Food and water are reportedly supplied in insufficient quantities and are of inadequate quality. Prisoners allege they are fed only once a day with a meal said to consist of a small portion of rice. The water provided by the prison authorities is reportedly dirty and causes diarrhoea and illness in prisoners who drink it. Clean drinking water is only available to prisoners who have money, since it must be purchased from

a Department of Corrections coffee shop. The prison is reported to be overcrowded and new prisoners do not receive a bed. Instead, they are forced to sleep on the concrete floor and can only obtain blankets when they can pay for them. Sanitation is reported to be quite poor in the prison where inmates with communicable diseases are housed with the rest of the prison population. Prisoners who contract any illness or suffer from ailments are allegedly not provided with medical care or appropriate medication and, thus, many are alleged to die from curable diseases which have gone untreated. African prisoners are alleged to be punished in a cruel manner, the severity of which is often disproportionate to the offence and in comparison to the punishments received by prisoners of other races. Shouting or quarrelling is reportedly penalized by the forced wearing of leg chains weighing more than 20 kilograms. In addition, solitary confinement is frequently imposed, with the prisoner being sent to the "jungle". On the first day of such punishment the prisoner is forced to sign a paper written in Thai which states that he accepts the punishment and the prisoner is then put into a dark room resembling an empty grave. The duration of the punishment is usually extended past the original three months and most prisoners finish the punishment with some type of skin disease.

689. By letter dated 13 November 1998, the Government indicated that the Department of Corrections had endeavoured to provide inmates with services essential to their basic needs, including food, clothing, education, recreational facilities and medical care. It specified that all inmates in Thai penal institutions have access to the same services without any discrimination. Each prisoner is provided three meals of nutritional food per day and clean drinking water. The Government denied the allegation that Bangkwang Central Prison is overcrowded and unsanitary. Prisoners requiring specialist or prolonged medical treatment are sent to the Central Hospital, others being treated in the clinic of the prison. Patients suffering from communicable diseases are kept in a separate section from other patients in the Central Hospital. The Government further stated that Thai law provided for instruments of restraint to be used on a temporary basis as a precaution against escape during transfer, to prevent a prisoner from injuring himself or others or from damaging property, and for medical and safety reasons inside the compound. But, their use as a form of punishment was prohibited. According to the Government, solitary confinement is a punishment which can only be applied to inmates for the purpose of maintaining discipline, namely when inmates manifest unruly or violent behaviour against other inmates, engage in gambling, consume alcohol, or possess and sell prohibited items.

## Tunisia

### Regular communications and replies received

690. By letter dated 30 September 1998, sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur informed the Government that they had received information concerning the wives and other relatives of opponents, either in detention or in exile, who were said to have been subjected to inhuman or degrading treatment. In most cases, the persons were said to have been detained for a short period and questioned, while being ill-treated. That type of questioning reportedly went on several times a week, or even several times a day, and allegedly concerned the relations the

women were believed to continue maintaining with their husbands, and concerning their means of subsistence. The persons had been subjected to the ill-treatment either at home, or in police stations, or on premises of the National Guard or those of the Ministry of the Interior. The purpose of the ill-treatment would have been to oblige them to cease all relations, even of a strictly family nature, with the opponents. In particular cases, the spouses of dissidents had allegedly been pressured to ask for divorce. The women were said to have been undressed and humiliated, to have been subjected to sexual abuse, to have been threatened with rape and sometimes to have been forced to undergo gynaecological tests. According to reports, most had been deprived of their passports, which prevented them from joining their husbands abroad. Even though most of the women had been able eventually to leave the country and to join their spouses, most of the departures had taken place only in the last 12 months, with no inquiry being conducted into the ill-treatment or any compensation paid to the victims. The Special Rapporteurs had received information concerning individual cases as summarized in the following paragraphs.

691. Jalila Jalleti was reportedly arrested, questioned, beaten and tortured in an attempt to force her to ask for divorce, as her husband was a supporter of al-Nahda who had left the country in 1990. At the end of 1992, she was held incommunicado for 17 days, during which time she was allegedly beaten and ill-treated. One of her legs was said to have been broken. After one year in prison, she had reportedly lost her job and had been forced to report five times a day to the police station, where she was allegedly constantly ill-treated. She was reportedly able recently to join her husband in exile.

692. Zohra Sa'd Allah, whose husband had left the country in 1995 after four years of imprisonment, was reportedly subjected to ill-treatment during questioning. Her house was said to have been searched several times, sometimes at night, by police units. She was apparently recently able to leave the country.

693. Mounia Daikh, a mother of three, whose husband had also left the country a few years earlier, was allegedly subjected to similar treatment. According to reports, she has also been able to leave the country.

694. Radhia Aouididi was reportedly constantly subjected to ill-treatment after the departure of her fiancé in 1992. As she had been unable to obtain a passport, she had apparently tried to leave the country illegally in November 1996. She was then arrested at the airport along with Samia Ben Karmi. The women were allegedly beaten, ill-treated and threatened with rape while detained incommunicado. They were apparently released in 1997 and are believed to be currently in exile.

695. Naziha Ben Aissa was reportedly tortured in May 1993, a few months after applying for a passport to join her husband in exile in France. She was said to have been detained for 12 days incommunicado at the Sfax police station, where she was sexually humiliated, in particular being forced to undress in front of several policemen. She was allegedly obliged to report daily to the police station. According to reports, she suffered psychosis and became prone

to attacks of anxiety. She had apparently been pressured in that way in order to force her to sign a request for divorce. She is believed to be currently with her husband in France.

696. By letter dated 12 October 1998, the Special Rapporteur informed the Government that he had received information concerning a number of militants, either students or trade unionists, who had all been charged in the case of the Communist Party of Tunisian Workers (PCOT) and who were currently being held at the civilian prison of Tunis. At the time of the arrest of a number of them, namely Kaïes Oueslati, Noureddine Ben Nticha, Taha Sassi and Ali Jallouli, the Special Rapporteur had sent an urgent appeal dated 26 February 1998 (see below), expressing concern at the fact that those persons had been held incommunicado. He had done so again on 1 May 1998 at the time of the arrest of Jalel Barouli, Chedli Hammami, Néjib Baccouchi and Borhane Gasmi. The Tunisian Government replied by letter dated 10 June 1998. It recognized that the persons had been arrested and brought before the Court of First Instance of Tunis, where they had been charged with several offences, and that they had been detained provisionally at the civilian prison of Tunis. However, it rejected allegations that the detainees had been ill-treated. The Special Rapporteur has received further information since then, concerning not only the persons mentioned in his urgent appeal, but also other persons arrested in similar circumstances and for the same reasons. All the persons mentioned below were reportedly arrested either at home or at work, while the persons carrying out the arrests pretended to be "relatives or friends". Searches at that time were said to have been carried out with violence and without any authorization by the Procurator of the Republic. All those arrested were allegedly held incommunicado in undisclosed premises. According to information received since then, they were all subjected to acts of torture or to inhuman treatment in the premises of the Headquarters of State Security (Direction de la Sûreté d'Etat, DSE), which is believed to be the main branch of the political police, with its head office within the Ministry of the Interior. The methods used were reportedly as follows: the technique known as the "helicopter" or "swing", also known as the "roast chicken" method, which apparently consists in suspending the person naked between two tables from an iron bar passed under the knees and inflicting beatings all over the body and especially on the soles of the feet, while uttering threats of a sexual nature; cold showers; sleep deprivation, which apparently consists in pricking the neck of the person who is going to sleep sitting on a chair or burning the person with a lighted cigarette; food deprivation; medicine blackmail for detainees suffering from serious illnesses. All these methods were said to have been reported to the judge in charge of the case. All the women said that they had signed statements under torture, of which they had not read the content. Furthermore, most of the statements showing the date of their arrest were allegedly post-dated, so that the detentions would appear to be in line with the legislation governing police custody. None of the persons apparently had access to the medical care required by their state of health.

697. Kaïes Oueslati was reportedly arrested on 18 February 1998 on the university campus of Ben Arous 2. He was allegedly taken in an unmarked car to the DSE, where he was subjected to the "swing" for three days and deprived of sleep for three consecutive nights. According to reports, he also

witnessed sessions of torture perpetrated on the person of Chedli Harmami. Ridha Oueslati, Kaies Oueslati's brother, was allegedly subjected to the "swing" and beaten all over the body and on the face.

698. Noureddine Ben Nticha, member of the federal bureau of the General Union of Tunisian Students (UGET), a student union, was reportedly arrested on 20 February 1998 following a strike at the university. According to reports, he was subjected to the "swing", splashed with cold water and suspended by the feet, besides being deprived of sleep.

699. Taha Sassi was reportedly arrested on 21 February 1998 on the university campus of Hammam-chott in the suburbs of Tunis. He was allegedly subjected to the "swing", was beaten all over his body and deprived of sleep.

700. Ali Jallouli, a member of the UGET federal bureau, was reportedly arrested on 21 February 1998 when he was at Nejib Baccouchi's. He had apparently been present at the latter's trial that same morning. He was allegedly subjected to several daily sessions of the "swing" and deprived of sleep for five consecutive days. On the day of the investigation, his face still showed traces of the ill-treatment to which he had been subjected.

701. Jalel Barouli was reportedly arrested on 21 February 1998 in the studio he shared with Nejib Baccouchi. He was allegedly subjected to the "swing" and deprived of sleep.

702. Iman Darwiche, a UGET militant, was reportedly arrested on 3 March 1998 while she was visiting a friend, Henda Arwa, in El-Manar. She was allegedly beaten all over the body and subjected to humiliations and threats. As she suffered from heart problems, the police were apparently obliged to call a doctor. According to reports, they subsequently blackmailed Iman Darwiche by withholding medicines each time she felt ill. It was alleged she was allowed to take her tranquillisers only after she had fainted several times. Henda Arwa was reportedly arrested because she had spent the night at home while wanted by the police. Though physically disabled, she was allegedly tortured physically and morally. She was said to have been accused of helping members of the PCOT.

703. Haykel Mannai was reportedly arrested on 22 February 1998 and subjected to the "swing" and to humiliations and threats.

704. Chedli Hammami, a member of a Post Office and Telecommunications Trade Union, was reportedly arrested at his office on 23 February 1998. He was allegedly subjected to the "swing" and to sessions of cold showers. He was said to have suffered several attacks of asthma. The police allegedly denied him his medicine until he was almost suffocating.

705. Rachid Hammami was reportedly arrested actually within the law faculty of the University of Tunis on 25 February 1998, despite the fact that he was believed to have had no political or trade union activity of any kind. He was allegedly subjected to the "swing" and to many humiliations. He was questioned mainly about his relations with his uncle, Hamma Hammami, one of the PCOT leaders. Noureddine Ben Nticha was reportedly arrested on 21 February 1998. He was allegedly subjected to the "swing" and to electric

shocks, besides being beaten on the head and chest and especially on the genitals. It was said that they tied his penis to a cord which was then tugged, causing intense pain, as well as swelling of the genitals. A prison doctor apparently diagnosed that an operation was necessary. Until now he is said to have been denied access to appropriate medical care. He was apparently also deprived of sleep. He is believed to have been questioned concerning the activities of his former lawyer, Radhia Nasrou, the wife of Hamma Hammami. The treatment was intended to oblige him to implicate some human rights lawyers, including Radhia Nasroui, Anouar Kousri and Ayachi Hammami.

706. Habib Hosni was reportedly arrested on 21 February 1998. He was allegedly subjected to the "swing" technique.

707. Néjib Baccouchi, a member of the UGET federal bureau who had already been detained between 1994 and 1997 in connection with his trade union activities, was reportedly arrested on 2 March 1998 in Tunis. He was allegedly subjected to the "swing" and to electric shocks on the genitals, and was deprived of sleep. He is believed to have declared before the investigating judge that he thought he would never be able to survive the treatment he had endured. After the fifth day, on account of his fits of vomiting, where traces of blood were present, and fainting, he was apparently taken twice to the Marsa hospital, normally reserved for officials of the Ministry of the Interior. He is said to have complained of acute pain in the kidneys and stomach.

708. Borhane Gasmi was reportedly arrested in the course of an identity check in Tunis on 25 February 1998. He allegedly spent 14 days at the premises of the DSE, where he was subjected to the "swing" technique, severely beaten and deprived of sleep.

709. By the same letter, the Special Rapporteur informed the Government of information received regarding the death in unclear circumstances of Ridha Khmiri. He reportedly died on 25 July 1997 at Jendouba prison as a result of the ill-treatment he had received. After being sentenced on 12 December 1991 by the appeal court of Tunis to a firm eight-year prison sentence for criminal association, attempted robbery and unauthorized possession of firearms, he was reportedly released during the winter of 1997, which was when his sentence expired. He is then believed to have been imprisoned again in Jendouba soon after his release. According to reports, it was during the second period of imprisonment that he was subjected to the inhuman treatment which in the end proved fatal.

## Urgent appeals and replies received

710. On 26 February 1998, the Special Rapporteur drew the Government's attention to the cases involving the arrests, around 20 February in Tunis, of Qais Ouislati, Noureddine Benticha, Ali Jallouli, Lofti Hammami, Taha Sassi and Sabri Ben Belgacem. According to information received, the arrest of these six women, all students at Tunis University, was connected with student strikes, which had occurred the previous week in Tunis and in a number of other towns.

711. On 1 May 1998, the Special Rapporteur sent an urgent appeal referring to his former appeal. It was believed that several new arrests had taken place in Tunis, still in connection with the student strikes of February 1998. Jalal Bouraoui, Chedli Hammami, Rachid Trabelsi, Bourham Gasmi, Haikal Mannal, Ridha Ouislati, Habib Hasni, Najib Baccouchi, and the three following women, Hinda Aaroui, Imen Derouiche and Afef Ben Rouina, were reportedly held to begin with in undisclosed premises, where they were subjected to various forms of torture and ill-treatment. They were later apparently transferred to places of detention, including the 9 April prison in Tunis and the Mannouba prison for women, also in Tunis.

712. By letter dated 10 June 1998, the Government replied to the two previous urgent appeals and confirmed that the persons mentioned therein had been arrested at the end of February and during March 1998 by law enforcement agents, for offences against existing Tunisian law. They appeared in court and were questioned by the Dean of Investigating Judges at the Court of First Instance of Tunis, in the presence of their lawyers, and charged with taking part in a joint undertaking which was harmful to persons and properties, with criminal association with the intention of attacking persons and damaging properties, incitement to rebellion, holding of unlawful meetings, defamation of the public order and judicial institutions, malicious publication of false reports intended to cause unrest, and inciting the public to break the laws of the country. According to the Government, they had been placed in provisional detention at the civilian prison, where they were treated in accordance with prison regulations; in particular, they were said to receive regular visits by members of their families and their lawyers. The Government therefore denies all allegations of ill-treatment.

713. On 12 June 1998, the Special Rapporteur sent an urgent appeal to the Government on behalf of Samia Ferhati, Najah Zitouni and Najoua Rezgui, all students, who were arrested on 5 June 1998 and 7 June 1998. All the women's flats were later searched. The arrests were said to be connected with a series of arrests that had been carried out following the student strikes of February 1998. The three women were believed to be detained at present in undisclosed premises. By letter dated 29 July 1998, the Government stated that the above-mentioned persons had never been arrested, nor questioned by law enforcement officials.

## Observations

714. The Special Rapporteur notes the conclusions of the Committee against Torture (see CAT/C/SR.363), which expressed its concern at "the reported widespread practice of torture and other cruel and degrading treatment perpetrated by security forces and the police that in certain cases resulted in death in custody" (para. 9) and at "abuses directed against women members of the families of detainees and exiled persons ... [including] violence and sexual abuses or sexual threats in order to put pressure on or to punish their imprisoned or exiled relatives" (para. 12). The Special Rapporteur has requested the Government to invite him to visit the country.

## Turkey

### Regular communications and replies received

715. By letter dated 12 October 1998, the Special Rapporteur advised the Government that he had continued to receive information indicating that the practice of torture is particularly prevalent among the anti-terror police. This practice is reportedly facilitated by the general climate of impunity in which the anti-terror police operates, as well as by laws that permit them to hold detainees without access to a lawyer for up to four days and hold security detainees without arraignment for up to seven days, which can be extended to 10 days in the state-of-emergency zone in the south-east. On 3 December 1997, Prime Minister Yilmaz reportedly issued a circular to security forces forbidding torture and abuse, but similar circulars by former governments are said to have had little result. By letter dated 19 December 1997, the Government sent the aforementioned circular and pointed out the following elements: persons placed under police custody will be informed of their rights; they will be imperatively registered; a medical report will be drawn up at the beginning of their custody; the necessary work will be carried out in order to bring the physical conditions in police custody premises into line with international standards; frequent controls will be carried out in police custody premises and their annexes by governors and senior police officers so as to ensure conformity with the laws; doctors will practise their forensic tests freely without any outside interference; the necessary needs in food and in medical treatment will be duly provided; interrogations will be recorded and run by specialized staff; suspects, whatever breach of law they might have committed, will in no way be subjected to ill-treatment; prisoners will not be subjected to ill-treatment either in prison or during interrogation sessions or transfers, and legal proceedings and investigations into allegations of ill-treatment will be finalized within the shortest time limit.

716. By the same letter the Special Rapporteur advised the Government that he had received information on the following cases.

717. Zeynep Avci, Kurdish, was reportedly arrested in Izmir in the course of a house-raid on 21 November 1996 by units of the anti-terrorist police. She was allegedly put in the back seat of a car and sexually assaulted. She later was said to have been driven to an isolated place by members of the anti-terrorist police, who forcibly stripped her naked and sexually assaulted her again. From there she was reportedly taken to the police station and repeatedly subjected to electric shocks and then she was forced onto her knees by the members of the police, who slowly began to push a stick into her anus until she bled.

718. Süleyman Gültekin, a member of the Kurdish band "Koma Amed" attached to the Mesopotamian Cultural Centre in Istanbul, was reportedly detained on 7 December 1997 during a performance at a celebration in Tekirdag. After being kept two days in detention by the police and military, he was allegedly transferred to Erzincan. He was reportedly held for three days, handcuffed, without food and was forbidden to go to the toilet. Despite suffering an attack of hepatitis B, kidney infection and a broken and inflamed elbow, he is

said to have been attested fit and healthy by an examining military doctor and sent for his military service where he may be at risk of further deterioration of his health.

719. Sevil Dalkılıç, a lawyer then aged 33, was reportedly detained in her home-town Kaman near Kırşehir on 2 March 1994 after she had investigated the death of a person of Kurdish background who had been killed in suspicious circumstances. She was allegedly held in a cell at Ankara police headquarters for 15 days and reportedly tortured by police officers until she signed a statement implicating her in several bombing incidents. She was allegedly repeatedly sexually assaulted and threatened with rape. Her jaw was reportedly dislocated by a blow to the right side of her head, and she was subjected to electric shocks and hosed with pressurized cold water. She was allegedly forced to watch fellow detainees being stripped and beaten, and was denied sleep and food, as well as access to toilet facilities. A medical certificate issued after examination on 16 March 1994 by the Forensic Medicine Institute in Ankara reportedly stated that "no external signs of blows or force were observed". After a trial at Ankara State Security Court on charges of membership of the illegal Kurdish Workers' Party (PKK), throwing explosives and separatism, in which her torture confession and statements allegedly prepared by the police are said to have been the only evidence, she was sentenced to a total of 30 years' imprisonment at Sakarya closed prison. She is said to have retracted her statements in court, alleging that they had been extracted under torture. On 13 October 1995, the verdict was reportedly confirmed on appeal. No investigation of her complaint of torture is known. The Special Rapporteurs on violence against women, its causes and consequences, and on the independence of judges and lawyers sent a joint communication on 26 August 1998 on the same case. By letter dated 27 October 1998, the Government confirmed her arrest and indicated that she had been found guilty of several offences by the State Security Court of Ankara on 7 February 1995. It further indicated that she submitted application regarding allegations of torture while in detention in July and November 1994. But, according to the Government, a forensic report issued in March 1994 confirmed that she had not been subjected to torture or ill-treatment.

720. By the same letter the Special Rapporteur reminded the Government of a number of cases submitted in 1996 and 1997 regarding which no reply had been received.

Urgent appeals and replies received

721. On 19 December 1997, the Special Rapporteur sent an urgent appeal on behalf of Sadk Ulumaskan and his son, Seyithan Ulumaskan, who have reportedly been held in Diyarbakir police headquarters since 4 December 1997. They were allegedly arrested in Diyarbakir by plainclothes security officers and taken away by car. By letter dated 9 April 1998 the Government replied that they had never been arrested nor taken into custody and suggested that they might have been handed over to the PKK by one of their relatives they met on 3 December 1997.

722. On 17 December 1997 the Special Rapporteur sent an urgent appeal on behalf of Imran Akdogan, a 16-year old Kurdish high-school student, and a

number of his friends, who have allegedly been in police custody since 11 December 1997, probably at Diyarbakir police headquarters. The arrest of Imran Akdogan may be connected with him having sold Kurdish newspapers, as well as his reported sympathy with the People's Democracy Party (HADEP). By letter dated 23 February 1998, the Government stated that Imram Akdogan and his friends had in fact been taken into custody by the police on 8 December 1997 for distributing printed propaganda material of a terrorist organization to the high schools in Diyarbakir. The arrest was carried out with a valid search warrant. The Government also indicated that all individuals had been released after their first trial at the Diyarbakir State Security Court on 18 December 1997 and, as confirmed by a medical report, had not been subjected to torture or ill-treatment during their detention.

723. On 9 January 1998, the Special Rapporteur sent an urgent appeal on behalf of Serpil Polat, a 22-year old Kurdish woman and active member of the Mesopotamia Cultural Association, which is said to concern itself with Kurdish culture. She was allegedly arrested at her home in Balçova, on the outskirts of Izmir, on 2 January 1998 and brought to the Anti-Terror Branch of Izmir police headquarters. Approximately two days later, she was reportedly transferred to Bingöl in south-east Turkey for the purpose of interrogation by the police. By letter dated 9 April 1998, the Government stated that Serpil Polat, who is said to be a member of the PKK organization, was taken under custody on 2 January 1998. According to a forensic report issued on 13 January, she had not been subjected to any ill-treatment. The Government also clarified that an investigation had been launched against her by the Bingöl Chief Prosecutor's Office and that she had been convicted by the Bingöl Criminal Court of First Instance. She was still detained in Bingöl prison at the time of the reply.

724. On 9 April 1998 the Special rapporteur sent an urgent appeal on behalf of Reşit Kayran, a remand prisoner in Ankara central closed prison, allegedly in urgent need of medical treatment. He was reportedly suffering from terminal colon cancer which necessitated the removal of a large part of his intestines, an operation which is said to have caused him to contract hepatitis C due to unsterile surgery and unsanitary prison conditions. He is also said to have developed renal and neurological disorders as a result of his other conditions. Two medical reports, one dated 14 January 1997, the other May 1997, have stated the opinion that Reşit Kayran requires specialist treatment which could not be provided in prison. By letter dated 19 August 1998, the Government replied that Reşit Kayran had applied for temporary amnesty and the postponement of his sentence on the grounds of his deteriorating health, and confirmed that he was suffering from colon cancer. It also recognized that the Directorate of Forensic Science had recommended his transfer to the Gastrology Clinic of the Hacettepe Medical Faculty in Ankara in February 1998. The Government further stated that the results of his abdominal ultrasonography, which was to be taken on 17 August 1998, would provide a basis for a decision by the forensic experts whether or not to accept his request for temporary amnesty.

725. On 17 April 1998, the Special Rapporteur sent an urgent appeal on behalf of Şemdin Sakik, reportedly a former PKK commander, and his brother Hasan Sakik, who are alleged to have been detained by some 30 members of the

Turkish Special Forces in Dohuk, northern Iraq, on 13 April 1998. They were reportedly taken to the Special Forces headquarters at the Seventh Army Corps command in Diyarbakir for interrogation.

726. On 3 August 1998, the Special Rapporteur sent an urgent appeal on behalf of Celal Yazar, Binali Yazar, Zeynel Pakmasiz, Dilhşah Acan, Ali Aydin, Hasan Demir and Ali Can Kaya, as well as Mahmut Özbaş, Muzaffer Kaya and Kekil Demirel, three Turkish nationals living abroad and visiting Turkey at the time of the alleged incident. The first six persons named above were allegedly arrested in relation to the fact that they are readers of the newspaper Proleter Haklin Birligi Gazetsi (Proletarian United Peoples' Paper). Kekil Demirel and Muzaffer Kaya are believed to be in bad health. They all were reportedly taken to the Izmir Anti-Terror Branch on 18 June 1998 and are said to have since been detained in Bergama, where they have allegedly been subjected to torture and other forms of ill-treatment. The Anti-Terror Branch is said to have confirmed that all 10 persons are currently detained on their premises. By letter dated 3 November 1998 the Government indicated that all, except Bibal Yazar and Ali Aydin, had been detained on the grounds of participating in illegal association. The forensic reports issued prior to their transfer to the court confirmed that they had not been subjected to any forms of ill-treatment while in custody. Nevertheless, after the complaint lodged by some of them, they were re-examined. Owing to the lack of evidence, a decision of non-prosecution had been adopted by the Office of the Chief Prosecutor of Izmir. The Government further indicated that Mahmut Özbaş had lodged a complaint against the Gendarmes regarding ill-treatment during his transfer from Buca prison to Bergama prison. An inquiry had been launched by the Office of the Chief Prosecutor of Izmir on 24 September 1998.

727. On 17 August 1998, the Special Rapporteur sent an urgent appeal on behalf of Yavuz Binbay, the former president of the local branch of the Turkish Human Rights Association. He was reportedly detained on 11 August 1998 at Yeniehir police station in Diyarbakir after he had gone there with his lawyer to make a statement regarding a traffic accident. His detention was allegedly carried out by officers of the Anti-Terror Branch who arrived at the station and took him to Diyarbakir police headquarters, where he was held in incommunicado detention. He has reportedly been refused regular medication he requires for a chest complaint. By letter dated 13 October 1998, the Government indicated that he had been under custody coincidentally in the aftermath of a traffic accident on 11 August 1998. According to the Government, he was accused of having participated in the activities of the so-called National Assembly of Kurdistan as an alleged member of the terrorist organization PKK, as well as of providing assistance to PKK terrorists to cross the Turkish-Syrian border. The Government assured the Special Raporteur that he had not been tortured during his detention and that he was not refused medication for his chest complaint. Finally, the Government indicated that he had been heard by the State Security Court of Diyarbakir on 13 August 1998, and he had subsequently been released. His case was pending before the same court.

728. On 5 October 1998, the Special Rapporteur, in conjunction with the Chairman of the Working Group on Enforced or Involuntary Disappearances, sent an urgent appeal on behalf of Selahattin Ökten, Ahmet Çiftçi, Selim Yldrm, Yüksel Demiralp, Celalettin Harmanc, Allahverdi Söylemez, Izzet Söylemez,

Ali Ince and Sırrı Çiftçi, all from Bingôl. They have reportedly been held incommunicado since 25 or 26 September 1998. Bingôl police headquarters is said to have initially admitted holding them, but later denied this. By letter dated 19 November 1998, the Government indicated that Sırrı Çiftçi, while travelling with four other persons, had been taken into custody by the security forces. Accused of serving as courrier for an illegal organization, he was sent by the State Security of Erzurum to Erzurum prison on 1 October 1998. Following his testimony, the other persons mentioned had been taken into custody on the grounds of participating in the PKK. Following their interrogation by the Office of the Chief Prosecutor of Bingôl on 3 October 1998, Selahattin Ôkten, Ahmet Çiftçi, Celalettin Harmanc, Allahverdi Sôylemez and Ali Ince were released and were currently living at their permanent addresses, while Selim Yldrm and Yûksel Demiralp were imprisoned at the Bingôl prison.

729. On 16 November 1998, the Special Rapporteur sent an urgent appeal on behalf of Leşker Acar, who was currently detained in Elazig E-type prison. He was reportedly severely beaten during his transfer from Diyarbakir prison on 5 October 1998. Upon his arrival in Elazig prison, he was allegedly beaten in front of the Director of the prison as well as several deputy directors. He reportedly spent three days in a stone cell from which he was periodically removed in order to be subjected to further beatings. Following an application by his lawyers to the Diyarbakir Public Prosecutor, an investigation had been initiated into the incident, and an order issued by the General Directorate of Prisons and Detention Houses on 16 October 1998 for his transfer to Mardin E-type prison. He has allegedly not yet been transferred and was allegedly continuing to be held in solitary confinement where he had now spent over 40 days. By letter dated 19 November 1998, the Government indicated that he had been transferred to Mardin E-type closed prison upon his request on 18 November 1998 and that the offices of the General Prosecutors of Diyarbakir and Elazig has launched an investigation into the case.

730. On 17 November 1998, the Special Rapporteur sent an urgent appeal on behalf of Mehmet Mazaca, a Kurd from Tunceli. On 27 October 1998, he reportedly went to Konvaclar, where he was reportedly last seen by a witness. Since then, he has allegedly been missing. Although his family has reportedly been unsuccessful in their attempts to obtain information from Tunceli and Elaz gendarmerie and police regarding his whereabouts, it is, nevertheless, believed that he may be being held in secret police detention. Furthermore, it is reported that at the time of his possible "disappearance", he was undergoing medical treatment for injuries he had sustained in 1993 while in detention in Erzurum for five months, during which period he was allegedly tortured.

Follow-up to previously transmitted communications

731. By letter dated 14 January 1998, the Government responded to an urgent appeal sent by the Special Rapporteur in May 1996 (see E/CN.4/1997/7/Add.1, para. 514). It indicated that the Public Prosecutor's Office of Fatih/Istanbul had established that there was no ground for prosecution as far as the allegations of Mehtap Kuruçay, Filiz Öztürk and Sabiha Budak were

concerned. However, the Prosecutor's Office had initiated another investigaton to find out the responsible officers by taking into account Incigül Baçel's medical treatment records.

732. By letter dated 16 March 1998, the Government responded to an urgent appeal sent by the Special Rapporteur in November 1997 on behalf of 28 residents of Çınarönü (see E/CN.4/1998/38/Add.1, para. 439). The Government indicated that following an incident in this village in which a gendarme was killed 18 persons whose collaboration with the PKK had been established were taken into custody on 11 November 1997. On 18 November 1997, 13 of them were released and the remaining five were arrested by the court

733. By letter dated 26 October 1998, the Government responded to two cases transmitted in February and October 1996 respectively (see E/CN.4/1997/Add.1, paras. 498 and 501) on which the Special Rapporteur had required follow-up information.

734. Concerning the trial of the police officers accused of the murder of Metin Göktepe, the Government indicated that on 19 March 1998 five police officers whose names it provided, had been sentenced by the High Court of Afyon to seven years and six months' imprisonment for having ill-treated and tortured Metin Göktepe, while six others had been released for lack of evidence.

735. Concerning the trial of 12 high school students in Manisa, the High Criminal Court of Manisa had decided to acquit the 10 police officers belonging to the Manisa Police Department accused of having ill-treated the students during their detention. The Government indicated that that verdict had been appealed in the Supreme Court of Appeal in October 1998. In its verdict, the Supreme Court stated that in the light of international conventions strictly prohibiting torture the behaviour of the accused police officers was obviously to be considered as acts of torture and that the victims had been subjected to physical and psychological torture while in custody.

### Observations

736. The Special Rapporteur's assessment of the situation in the country may be found in the report on his visit to Turkey from 9 to 19 November 1998, issued as Addendum 1 to the present report.

## Uganda

### Urgent appeals and replies received

737. On 25 September 1998, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal on behalf of Sheikh Abduwel Abdullah Amin, imam of Tawhud mosque in Kampala, Omar Ahmed Mandela, Hussein Abdul Mumir, Muhammed Diriya, Hassan Noor, Ali Mahmood, Asuman Mahmood, Mohamed Gulam Kabba, an aidworker with southern Sudanese refugees, as well as two Kenyans of Somali origin, Mohamed Rashid Asuman and Salah, and a 15-year-old boy named Hassan. The 11 above-named persons, as well as 7 other persons, were reportedly arrested

at various places in Kampala and in the eastern Ugandan town of Tororo on 15 September 1998. They were reportedly arrested by the Ugandan Anti-Terrorism Squad, a special unit of police and security officers. Their place of detention remains unknown. They are reportedly all Muslims and most are Ugandans of Somali origin.

## Ukraine

### Urgent appeals and replies received

738. On 18 March 1998, the Special Rapporteur transmitted an urgent appeal on behalf of Sergey Mikhailovich Voronok, a member of the Supreme Soviet of Crimea, and Aleksandr Vitalyvich Kovalenko, a member of the Yalta City Council. The two men were allegedly arrested in the Crimea on 10 February 1998, and have been held in incommunicado detention ever since. Attempts by their families to discover their whereabouts are said to have been unsuccessful, but Ukrainian officials in Simferopol have reportedly acknowledged the detention, claiming that both men are alive and being held in a place of detention outside the Crimea. It is alleged that the men have been ill-treated and tortured.

## United States of America

### Regular communications and replies received

739. By letter dated 12 November 1998, the Special Rapporteur advised the Government that he had received information on two super-maximum security prisons for men operated by the State of Indiana: the Maximum Control Facility (MCF) at Westville and the Secured Housing Unit (SHU) at the Carlisle Wabash Valley Correctional Facility. These two facilities are said to be similar to the other 57 super-maximum security units, also known as "supermaxes", in 36 other states. These facilities reportedly hold alleged dangerous and disruptive prisoners, who are removed from the general population and housed in conditions of extreme social isolation, limited environmental stimulation, reduced privileges and services, scant recreational, vocational or educational opportunities, and extraordinary control over their physical movement. In both SHU and MCF, inmates are reportedly held in solitary confinement in sealed cells with little natural light and no fresh air. It is further reported that for these inmates, most human contacts, in particular congregated activities with other prisoners, are reduced to the strict minimum, as all are confined alone to their windowless cells for 22 or 23 hours a day. Restricted group recreation is said to be allowed to certain inmates. Furthermore, both SHU and MCF are reported to allow their inmates only non-contact visits. Unnecessary and excessive physical force is also believed to have been used by the guards in both facilities, especially when it is necessary to forcibly remove a prisoner from his cell in a process referred as a "cell extraction". Prisoners have reported that some guards are verbally abusive, indifferent to the prisoners' legitimate requests and engage in various forms of harassment.

740. By its very nature, solitary confinement is believed to have a damaging effect on the mental state of most prisoners. A number of psychiatric symptoms are reported to be frequently observed in prisoners of such

facilities, including perceptual distortions, hallucinations, massive free-floating anxiety, violent or self-destructing outbursts, overt paranoia, panic attacks, hyper-responsiveness to external stimuli, and difficulties with thinking, concentration and memory. Both facilities, particularly SHU, are believed to house prisoners who are seriously mentally ill and whose psychiatric illness is said to be increased by solitary confinement in super-maximum security conditions. The treatment of mentally ill inmates at both facilities is reported to be insufficient since there are not enough qualified mental health professionals and therapeutic treatment options. In addition, the presence of mentally ill prisoners is said to stimulate considerable tension and animosity among prisoners.

741. By the same letter, the Special Rapporteur also transmitted information on the United States Immigration and Naturalization Service (INS) Border Patrol, the law enforcement branch of the INS, which operates in the United States-Mexico border region. Border Patrol agents are allegedly using excessive and unnecessary physical force when they apprehend undocumented migrants or asylum seekers. Illegal migrants held in Border Patrol stations are repeatedly insulted by agents, and sometimes even beaten and kicked. The medical needs of injured detainees are said to be ignored and, in several cases, the persons have been expeditiously returned to Mexico. The holding cells at some Border Patrol stations are allegedly uncomfortably cold because of air-conditioning units turned up too high. It is further reported that men and women, detained during workplace raids and transported by air or bus to Mexico, were held in chains, despite the fact that they had accepted "voluntary departure", and posed low security risks. Chains, shackles and leg irons are said to be used. Lastly, the Special Rapporteur has received information concerning the complaint process regarding alleged abuses by INS officers. Complaint forms are reportedly mainly available in English and detainees are not informed of their rights and, in some cases, are even discouraged, threatened or prevented from exercising their right to file complaints. In that connection, the Special Rapporteur has received the individual cases summarized below.

742. Daniel Rodríguez Biúrquiz reportedly crossed the United States-Mexico border illegally with a group of migrants at a spot known as Nido de Águilas in east San Diego county on 14 February 1997. He was reportedly quickly apprehended by the Border Patrol and was beaten with batons when he tried to run away. Separated from the rest of the group, he was allegedly deported at Calexico without having been processed or even photographed because of his visible injuries. A complaint is said to have been made through the Mexican Consulate by the Casa de Apoyo al Migrante in Tijuana.

743. Sergio Ponce Rodríguez is said to have crossed into the United States with 11 other undocumented migrants near Tecate, California on 18 June 1996. Stopped by a Border Patrol agent, he was allegedly beaten and kicked seven or eight times in the head, face and back after having fallen to the ground. He was later reportedly deported.

744. Jesús Hector Gaspar Segura reportedly crossed into the United States illegally at Nido de Águilas in east San Diego county on 23 May 1996. He was reportedly accompanied by a 23-year-old woman and a 15-year-old boy. They

were allegedly apprehended by a Border Patrol agent, who struck Jesús Segura's back several times with a long black baton, slapped the woman twice in the face, and punched the boy in the stomach and slapped his face. They were allegedly insulted and threatened not to complain about what had happened. They were said to have been deported back to Mexico at midnight same day.

745. Jorge Soriano Bautista and a friend are said to have crossed illegally into the United States near San Ysidro, California on 21 July 1996. Border Patrol agents allegedly chased them and struck Jorge Bautista on the back, threw him to the ground, broke his arm and caused him to lose consciousness. When he regained consciousness, he was lying in the back of a Border Patrol vehicle and an agent was twisting his arms behind his back in order to handcuff him. He reportedly lost consciousness again. When he regained consciousness for the second time, agents allegedly pushed him back under the fence into Mexico, despite his having a broken arm. An official complaint was filed with the Office of the Inspector General agent at the San Ysidro port of entry on 5 August 1996. To date, the outcome of any investigation is not known.

746. Ramón González García reportedly crossed illegally into the United States near San Ysidro, California on 16 January 1996. Surprised by a Border Patrol agent, he is said to have been handcuffed and thrown face down on the ground. The agent allegedly pulled him by the handcuffs and stamped on his ankle with his entire weight at the same time. In extreme pain, he was reportedly turned over to the Mexican authorities, the Grupo Beta, instead of being formally arrested. An official complaint is said to have been made to the United States Attorney's office in San Diego, but the results are not known.

747. Lastly, the Special Rapporteur transmitted information on unaccompanied children arrested and detained by the INS. Some children were said to have been ill-treated at the time of their apprehension by the Border Patrol and were subsequently detained by the INS without having any legal representation. The length and conditions of their detention at the INS juvenile facilities have also been criticized. On average, a child is detained in INS custody for 30 days. This figure is reduced to 12 to 14 days if Chinese children are considered separately - although this practice varies from one INS district to another. In one particular incident, several boys between the ages of 14 and 17, who were detained along the Texas and New Mexico border in the autumn of 1997, were allegedly beaten, punched, kicked and verbally insulted. It is also reported that some of them were denied medical treatment for the injuries they sustained during their arrest.

748. Women arrested and detained by the INS were reportedly insulted, subjected to painful and degrading vaginal searches, and sexually abused by male Border Patrol agents. Women are allegedly deported to Mexico alone or in all-female groups after nightfall, when they are more susceptible to being assaulted. In that connection, the following individual case has been brought to the attention of the Special Rapporteur.

749. Luz López and Norma Contreras, two Guatemalan women, were reportedly arrested by a Border Patrol agent after they waded across the Rio Grande in the Ysleta Border Patrol district, located east of El Paso, on 7 March 1996. They were said to have been handcuffed and detained in the Border Patrol

agent's vehicle and sexually assaulted three times by the same agent. The last assaults allegedly took place in a detention cell and in the bathroom of the Border Patrol detention centre in the presence of another agent. Afterwards, it is said that the agent gave the women one dollar each before releasing them into the United States. The women reportedly lodged a formal complaint, which was then investigated by the Civil Rights Division of the Justice Department. The Department of Justice is said to have dropped the women's official complaint without stating any resolution. A lawsuit was reported to have been filed against the Border Patrol. Two years later, however, the lawsuit reportedly remains pending, despite the fact that the women were thought to be able to identify the two above-mentioned Border Patrol agents from photographs. It is further reported that these agents were removed from field work pending investigation of this case.

750. By the same letter, the Special Rapporteur reminded the Government of a number of cases submitted in 1995 and 1997 regarding which no reply had been received.

### Urgent appeals and replies received

751. On 2 November 1998, the Special Rapporteur sent an urgent appeal on behalf of Leonard Peltier. He was reportedly detained on 6 February 1976 at the Marion Control Unit immediately after having been convicted of first degree murder. Since then, he has repeatedly been subjected to various forms of ill-treatment and was denied medical treatment on several occasions. Furthermore, conditions of detention in Marion Control prison are said to be inhumane: prisoners allegedly stay in six by eight foot cells for 22 to 24 hours a day; no human contact is allowed. Leonard Peltier was reportedly often housed in what prisoners call "the hole" and severely beaten on a daily basis. During the first 20 years of his imprisonment, he was reportedly refused needed medical treatment for a torn cartilage in his right knee and for his mandible. In 1996, he is said to have finally received medical treatment. After the second surgery, which was carried out at the prison despite the prison surgeon's advice that Leonard Peltier should be treated at the Mayo Clinic in Rochester, Minnesota, because Springfield did not have the facilities, he is said to have required 11 litres of blood and to have gone into a 14-hour coma in intensive care. After this last operation, he was reportedly detained in a six by eight foot segregation cell infested with insects and was taken for daily shots of radiation for five days. He was reportedly in terrible pain. A month after the operation, despite the fact that the operation was a failure, he was constantly asked by prison officials to undergo further surgery in Springfield. He refused to undergo surgery unless he was taken to the Mayo Clinic. He has reportedly not received any medical treatment for his jaw, which is said now to be frozen. He is believed to be in constant pain as a result of his condition and is restricted to a liquid diet.

### Observations

752. The Special Rapporteur regrets the absence of any detailed responses to his communications from 1995 onwards. He trusts that by the time of his next report he will have received responses on those communications, as well as on those summarized above which continue to give grounds for concern.

## United Kingdom of Great Britain and Northern Ireland

### Regular communications and replies received

753. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information concerning an alleged systematic pattern of torture and other forms of ill-treatment of prisoners at Wormwood Scrubs prison, London. Prisoners there, especially, but not only, in the Segregation Unit, have reportedly been subjected to a daily low level of physical and verbal abuse by prison officers for several years. "Squat" searches and humiliating strip-searches, frequent beatings and kickings, humiliating and racist verbal abuse, and repeated slappings have been reported. Some prisoners are believed to have been targeted for repeated physical assault, some of which involved extreme pain and suffering and lasting injuries, allegedly because of their convictions, their ethnicity or their perceived attitude. These alleged acts are said to have been tolerated by the prison management and warnings of the acts having taken place were said to have been ignored by the Prison Service. Complaints submitted by prisoners both in person and in writing are said to have been ignored. Following the submission of a report by a law firm to the Chief Inspector of Prisons, an internal inquiry is said to have been carried out by the Prison Service. On 31 March 1998, a police criminal investigation on approximately 40 claims covering the period from October 1996 to March 1998 is also said to have been launched. On the same day, eight prison officers and one governor were reportedly suspended from duty. No application has reportedly been made to date for a prosecution under section 134 of the 1988 Criminal Justice Act, which establishes that conduct amounting to torture is a serious criminal offence. Despite the investigations, three claims of assault were reportedly made by prisoners against prison officers in May 1998.

754. By letter dated 24 November 1989, the Government indicated that the Metropolitan Police investigation of all allegations of assaults up to 31 May 1998 was likely to run until the end of 1998, when a report would be passed to the Crown Prosecution Office. It would be inappropriate for the Government to comment further on the individual cases at that stage. The Government further indicated that as soon as sufficient facts were gathered to support any allegations, staff concerned were suspended from duty and the matter was referred to the police. Accordingly, eight prison officers and one governor had been suspended on 1 April 1998. Any cases coming to light after 31 May were being considered initially by the Governor of Wormwood Scrubs. Lastly, the Government indicated that once the prisoners were identified they were all transferred to other prisons.

755. By the same letter, the Special Rapporteur advised the Government that he had received information on David Adams, a prisoner at the Maze prison, who was allegedly arrested by the police on 10 February 1994 in East Belfast. When he gave false information on his arrest, he was allegedly kicked and punched. He later was reportedly transferred to Castlereagh detention centre, where he was subjected to further beatings. Despite his having a bleeding wound on his head, reportedly caused by the barrel of a rifle, he was taken straight to the Scenes of Crime Room. A number of officers reportedly used force on him, which resulted in him having severe injuries. He was reportedly transferred to the Ulster Hospital, then to the Musgrave Park Hospital. A

judgement delivered in his favour by the Northern Ireland High Court in February 1998 concluded that most of the injuries sustained by David Adams were more likely to be the result of direct, deliberate blows and that damages should be awarded to the plaintiff. Despite this judgement, no officers seemed to have been disciplined or subjected to criminal prosecution as the result of the assaults on David Adams. Nevertheless, following the conclusions of the High Court, the Independent Commission for Police Complaints in Northern Ireland reportedly appointed two members of the Scottish police to carry out an investigation into this matter, including any criminal or disciplinary offences which might be disclosed. The Special Rapporteur would, therefore, particularly appreciate receiving information on the scope and findings of this investigation. By letter dated 24 November 1998, the Government confirmed the facts mentioned above, but did not respond to the request of the Special Rapporteur.

### Follow-up to previously transmitted communications

756. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received further information on cases he had previously submitted. By letter dated 24 November 1998, the Government responded to all these allegations.

757. On 18 April 1995, the Special Rapporteur sent a letter on behalf of four persons who had recently died in police custody, allegedly as a result of torture or other forms of ill-treatment. In its letter of 31 July 1996, the Government replied to this case (see E/CN.4/1997/7/Add.1, para. 535). The Special Rapporteur has recently received further information. Serious general concerns about the thoroughness, promptness and impartiality of the investigations into these cases of deaths in custody have reportedly been raised. The narrow terms of remit in the Coroner's Court were said to prevent the inquest from examining all aspects of any controversial death in custody. Furthermore, the secrecy of the police investigation combined with these inherent limitations of the Coroner's inquest procedure allegedly raised questions on its methodology. In two other recent cases (see below), an inquest jury's verdict of unlawful killing reportedly failed to result in either criminal prosecutions or disciplinary measures against the responsible law enforcement officers.

758. Concerning Shiji Lapite (see E/CN.4/1997/7/Add.1, para. 535) the Special Rapporteur has received new information according to which the Director of Public Prosecution (DPP) reiterated in August 1996 her decision not to prosecute any of the officers involved in the arrest of Shiji Lapite. Also, in December 1996, the Police Complaints Authority (PCA) reportedly decided not to bring disciplinary charges against the police officers involved. The officer who applied the neck-hold had never reportedly received appropriate training in this restraint method nor was he aware of its dangers. The Government has reportedly not issued clear guidelines on acceptable use of this restraint. Two recent deaths in police custody due to neck-hold have been reported. The Government responded that in view of the fact that the PCA was still considering the disciplinary aspects of this death in custody it was inappropriate to comment in detail.

759. Concerning Richard O'Brien (E/CN.4/1997/7/Add.1, para. 537), the Special Rapporteur has recently received information according to which, in February 1997, the PCA reportedly announced that two police officers were to face disciplinary charges for neglect. The Special Rapporteur would appreciate information on the outcome of these disciplinary proceedings. In its reply, the Government indicated that Richard O'Brien's family had sought judicial review of the Crown Prosecution Service decision not to bring criminal charges against any of the officers involved. Following that reconsideration, the Crown Prosecution Service announced that three officers would face charges of manslaughter. The Government further indicated that the trial was expected to commence in November 1998 and that, as a result of the initiation of criminal proceedings, the disciplinary proceedings against the two officers involved had been suspended.

760. Concerning Brian Douglas (E/CN.4/1997/7/Add.1, para. 536) the Special Rapporteur has received further information indicating that the side-handled batons used in his arrest generate power four to nine times greater than a straight baton. In August 1996, the Home Secretary reportedly approved the introduction of these new batons to all police forces. The PCA reportedly expressed concerns regarding complaints about the use of such equipment and regarding cases where serious cuts to the head had been reported. In its reply, the Government confirmed the facts pertaining to Brian Douglas' case and that at the inquest the jury brought in a verdict of "misadventure". The Government attached to its reply a news release dated 1 October 1996 from the PCA in which it is stated that the PCA is concerned that the new police equipment should only be used to defend officers against threatened violence and not for aggressive purposes. It was therefore closely monitoring complaints about the use of rigid handcuffs, new batons and CS spray.

761. Concerning Dennis Stevens (E/CN.4/1997/7/Add.1, para. 538) the Special Rapporteur has received further information indicating that the findings of the police inquiry had been submitted to the Crown Prosecution Service in May 1996. At the time, no inquest had reportedly been made into his death. The three post-mortem examinations reportedly clarified that pressure and restriction of the blood supply during restraint caused or contributed to muscle damage, which resulted in his death. His family was said to have called for an independent inquiry into his death. Concerns on the use of the body belt as a restraint method have also been expressed. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had reportedly concluded after a 1990 visit to the United Kingdom that "the body belt is a potentially dangerous form of restraint; it might entail physical risk for the prisoner". In its reply, the Government indicated that the Prison Service had appointed a senior governor to conduct an internal investigation in confidence. Because of the circumstances of the death, a police investigation was conducted, which submitted its findings to the Crown Prosecution Service in May 1996. It was determined that there were insufficient grounds to warrant prosecution of individual members of staff. As required by law, HM Coroner conducted an inquest into the death, held in public before a jury, which concluded on 18 December 1997 with a unanimous verdict of accidental death. The Government further indicated that the Prison Service had conducted a separate review of the use of control and restraint techniques and deaths; that report had since been placed in the libraries of the Houses of Lords and of Commons. Lastly, the Government indicated that an

instruction to governors was issued in December 1996 with revised guidance on the use of control and restraints, reflecting lessons learned from this and other deaths. In November 1987 a booklet was also issued to all prison officers in all establishments reminding them of the signs and symptoms that may indicate that a prisoner is in distress whilst under restraint.

762. Concerning Bernard McGinn and Miceal Caraher (see E/CN.4/1998/38/Add.1, para. 447) the Special Rapporteur has transmitted new information according to which the Independent Commission for Police Complaints (ICPC) had been criticized by NGOs because it is allegedly not independent of the police force, the Royal Ulster Constabulary (RUC), whose officers are used to conduct investigations into complaints made against other RUC officers. Furthermore, neither the complaint against the soldiers, nor the complaint against the police had as yet been concluded. Given the serious injuries sustained by Bernard McGinn during his arrest, alleged admissions to a senior police officer outside the normal interview process ought not to be used in court. But the court is said to be very likely to accept these alleged admissions as admissible evidence, if the RUC decided to rely on them. The Special Rapporteur also received information on Martin Mines, who was also arrested at the same time, as well as on Miceal Caraher. The two men were reportedly assaulted following a court appearance in June 1998. At their arrival at the Maze prison, they reportedly complained about their ill-treatment, were examined by medical officers and also gave statements to the governor of their block. These acts were believed to have been deigned to intimidate them to refrain from contesting their committal proceedings. The governor reportedly stated that he could not guarantee that this would not happen again at their next appearance in court. In its reply the Government indicated that when the criminal proceedings against McGinn and Caraher were concluded the complaint investigation would be carried forward. Concerning Caraher and Mines, the complaint investigation was still ongoing, but attempts by the Investigation Officer to interview the complainants had to date been unsuccessful. The ICPC had decided not to supervise the investigation.

Observations

763. The Special Rapporteur appreciates the detailed responce of the Government. He also notes the conclusion of the Committee against Torture expressing concern at "the number of deaths in police custody and the apparent failure ... to provide an effective investigative mechanism to deal with allegations of police and prison authorities' abuse ... and to report publicly in a timely manner" (see CAT/C/SR, para. 11.5 (a)).

## Uzbekistan

### Regular communications and replies received

764. By a letter dated 17 September 1998, the Special Rapporteur advised the Government that he had received information on Mikhail Ardzinov, chairman of the Independent Human Rights Organization (IHRO), who was allegedly beaten severely by police in Samarkand on 21 December 1997. He and Jomol Mirsaidov, a member of the IHRO and leader of the Tajik minority in Uzbekistan, were reportedly on their way to a meeting of the National Cultural Centre of Ethnic Tajiks when they were detained on the street by police for a document check.

From there they were reportedly taken to the Bogibomolyarsky station of the Samarkand Regional Directorate of Internal Affairs where they were reportedly asked to sign an official warning for having organized an unsanctioned meeting. They reportedly refused to do so. Mikhail Ardzinov was allegedly detained for 20 hours and beaten by five police officers while inside the station. Plain-clothes officers of the Uzbek Committee for National Security are reported to have driven Mikhail Ardzinov to Tashkent and upon releasing him warned him not to return to Samarkand. Both men were allegedly detained in order to prevent the constituent meeting of the National Cultural Centre of Ethnic Tajiks from taking place.

765. By the same letter, the Special Rapporteur reminded the Government of a number of cases submitted in 1996 regarding which no reply had been received.

### Urgent appeals and replies received

766. On 8 January 1998, the Special Rapporteur sent an urgent appeal on behalf of a group of more than 100 persons reported to have been arrested by police in Namangan in eastern Uzbekistan on 3 December 1997. They were said to include Mukhammadzhon Yuldashev, Ilkhom Mamadaliyev, Alisher Nashmiddinov, Odilshon Obidkhonov, Abdufattakh Nazarov, Bakhodir Rakhimzon, Rashid Ogalikov, Dilshod, Tokhirzhon, Khasanboy, Olimzhon Buriyev, Abdusamad, Akhmadali, Abdullo, Kodirkhon, Valikhon, Ibrokhimzon, Ibrokhim, Khayntboy and Mukhammadzhon. They were allegedly detained without warrant following a series of murders of police officers and regional officials, and had all reportedly been verbally abused, threatened, beaten and ill-treated in detention. Police are said to have particularly targeted young men with beards, accusing them of membership of a strict Islamic sect and threatening to cut their beards off and take their money. Police have reportedly planted weapons and narcotics on those detained in order to fabricate criminal charges against them. Since their arrest, the detainees had reportedly been denied any contact with either lawyers or family.

## Venezuela

### Regular communications and replies received

767. By letter dated 5 November 1998, the Special Rapporteur notified the Government that he had received information concerning the following cases.

768. Luiris Elena Flores, aged 16, was reportedly arrested at her home by members of the Technical Judicial Police (PTJ) on suspicion of robbery, on 14 March 1996, in Ocumare del Tuy, State of Miranda. The police allegedly beat her and threatened to kill her fiancé and her one-year old son if she did not confess to committing the robbery. A few days later, her fiancé was said to have been arrested and tortured by members of the PTJ in order to oblige Luiris Elena to confess. Four days after the arrest, on 17 March 1996, Luiris Elena apparently underwent an abortion as a consequence of the treatment she had received during her detention. After receiving some medication, she was reportedly returned to her cell, where she remains in detention.

769. Arnold Blanco, aged 15, and Carlos David Fuente, aged 16, were reportedly arrested on 3 July 1996 at their home in Petare by the municipal police of Sucre. They were transferred to the PTJ juvenile detention centre in Caracas. There they were said to have been brutally beaten by the jailers.

770. Jairo A. Carresquel, aged 16, was reportedly arrested on 12 February 1996 in Guasdualito, in the State of Apure, by PTJ members. He was allegedly beaten by the PTJ members, who then transferred him to the police headquarters, where he was apparently handcuffed and hung from his arms, in which position he was said to have been repeatedly beaten on the stomach.

771. Kevys Wilfredo Palmera and Francisco Beltrán were reportedly arrested together with Juan Vicente Palmero on 26 February 1997 at the naval base of Cararabo, State of Apure, by marines. They were allegedly thrown to the ground and kicked by the soldiers. Juan Vicente Palmero and Francisco Beltrán were said to have been psychologically and physically tortured by the marines. Juan Vicente Palmero is said to have been killed by the marines.

772. Angel Jaidar Iruiz, aged 15, was reportedly arrested at his home on 14 January 1995 in Caicara del Orinoco, State of Bolíva, by members of detachment No. 87 of the National Guard. He and three other youngsters who were reportedly arrested with him were said to have been beaten and almost drowned in front of members of the community and their families. Later, they were transferred to the local police, where they were allegedly hung up by the wrists and subjected to electric shocks. According to information received, a State prosecutor came to the place where the youngsters were being tortured, but did not intervene. The victims were allegedly denied medical attention.

773. Yuraima Lara was reportedly arrested for distributing pamphlets on 16 October 1997 in the main avenue of Urbina in Petare by members of the local police of Sucre, State of Miranda, charged with disturbing public order. He was apparently transferred to the barracks of the Directorate of Intelligence and Prevention Services (DISIP) in the capital, Caracas, where he was said to have been beaten on the head and stomach. His family was allegedly not allowed to visit him. Yuraima was reportedly released on 21 October 1997. According to reports, as a result of the torture he had to be admitted to the Pérez Carreno hospital to receive medical attention

774. Wilfredo Alarado, president of the association Pro-Vivienda de B[illegible] del Turbio 1, was reportedly arrested on 16 July 1997 in Barquisimeto, State of Lara, by members of the National Guard. He was transferred to an amusement park, where he was apparently chained to a pipe, with his arms and legs handcuffed. According to reports, he was hung by the legs and tortured with electric shocks, and left in that position until midday of 17 July. He was later released on 22 July 1997.

775. Sisco Torbello Cordero, a member of the House of Friendship with Cuba, was reportedly arrested on suspicion of robbery, on 20 March 1998, by members of the PTJ in the town of Barquisimeto, State of Lara. During his detention, he was allegedly beaten by the police to make him confess. Sisco Torbello Cordero is still in detention.

776. Francisco Javier Conde Guaita was reportedly arrested on 12 July 1996 at his home by PTJ officials detached to La Guaira, Lizandro Herrera and Eracio Izaguirre. The policemen apparently arrived in a vehicle with registration plates D-3870. Francisco was said to have been transferred to La Guaira police station, where he was allegedly beaten and kicked to death by police station officials.

777. Antonio Espinoza was reportedly arrested on 24 October 1996 during a peaceful march near the Plaza Santa Rosa in Valencia, State of Aragua, by Carabobo policemen under the orders of a woman inspector by the name of Villegas. They were later apparently transferred to the headquarters of the DISIP in Helicoide in Caracas. There he was allegedly locked in a cell which was constantly lit and where he was psychologically tortured, losing his notion of time. He was apparently released on 30 October 1996.

778. Baudilio Contreras was reportedly tortured on 19 November 1996, in the municipality of Ezequiel Zamora in the State of Barinas, by members of the National Guard during a demonstration by peasants calling for the return of land. The guards allegedly kicked and beat him with a stick on the legs and arms. According to reports, they tied him to the tail of a horse, which dragged him at a gallop over a distance of some 800 metres. He is believed to have been released on 20 November 1996.

779. Allison Joleiska González García, a student in the Police Academy of Chacao, in Plaza Altamira, municipality of Chacao, was reportedly arrested at the Academy on 15 June 1996. Between 4 a.m. and 4.30 a.m. on that Saturday, the official Johny Gónzalez Noguera allegedly raped Allison in the bathroom. A complaint was lodged and registered. The police may have tried to tidy up the evidence so as to disguise any irregularity.

780. Daivis Eduardo Vargas Bravo, a student in the Venezuelan Armed Forces, reportedly arrived on 21 April 1996 at El Valle, Caracas, a few minutes late. On 22 April 1996, the Vargas family allegedly received a telephone call from the Academy informing them of the death of Daivis Vargas. His relatives are said to have recognized his corpse in the morgue of La Guaira hospital and to have stated that the body was swollen, showing bruising and missing one eye and all the teeth.

781. Edison Pérez was in Carretera Petare, Santa Lucia, on 15 February 1997, when he met the Sucre Municipal Police official David Dupre Dávila, and the Metropolitan Police official José Antonio Sojo, with other officials, all in a state of drunkenness. Without even talking to the person, David Dupre allegedly hit Edison Pérez in the face, then again in the stomach and on the back.

782. Robinson Mejías Ciro and his brother, Luis Adolfo Mejías, were reportedly arrested in Caracas in the avenue Andrés Bello on the corner of Zulia, by a group of plain-clothes men, who allegedly tied them up and beat them severely. Then they put them, according to reports, in a minibus, in which they were beaten and taken to the Maripérez headquarters. The attackers identified themselves as officials of the Metropolitan Police.

783. Gloria Magiba López Pérez was reportedly subjected to a house search in the neighbourhood of Sucre, Calle Miranda, house No. 16-02, "La Cañada", "23 de Enero", on 8 October 1996, by members of the Municipal Police. She was said to have been transferred to the headquarters of the DISIP in Helicoide, in Caracas. There Gloria was threatened with sexual abuse and was struck twice on the head, while they threatened to kill her husband and to beat her brother José.

784. Luis Evelio Quintero was reportedly tortured at the commissariat of the PTJ at El Llanito, State of Miranda, in mid-March 1997. The officials of the commissariat allegedly applied electric current to his whole body. According to reports, the punishment was applied in a house situated 30 minutes away from the PTJ.

785. Leonardo and Luis Elbano Peña Rosales were reportedly tortured in Fuerte Yaruro, in El Nula, State of Apure, in January 1997. They were allegedly tied by the feet, hung from a helicopter and dipped in water. Attempts were apparently also made to choke them with a bag. Those practices were allegedly seen by a public prosecutor from Guasdualito.

786. Gustavo Condes, a messenger, was reportedly arrested by the PTJ, charged with a robbery which he had allegedly not committed, on 12 December 1996, in the municipality of Libertador, Federal District, at the main headquarters of the PTJ. He was allegedly tortured, and suffered electric shocks and a simulated execution.

787. Sergio Bolívar was reportedly beaten and arrested in the municipality of Vargas, district of Vargas, after refusing to give 5,000 bolívares to Municipal Police officials, on 29 January 1997. An inquiry was apparently opened against him for possession of drugs; he is said to have been transferred to the Intelligence Division of the Metropolitan Police and then to the PTJ commissariat in the municipality of Vargas. One of the officials assumed to be responsible for these attacks was allegedly Miguel Rodríguez Arnoldo Vargas.

788. Ronald Rafael Guillén Dugarte, aged 16, was reportedly abducted and savagely beaten by officials of the Military Intelligence Directorate (DIM) and officials of the National Guard, in Mérida, in June 1997. He was apparently accused of stealing a military weapon.

789. Pedro Jesús Monsalve Suárez, aged 16, was reportedly arrested, beaten and murdered on 15 January 1997 in the neighbourhood of Niño Jesús, at kilometre 13 of the road leading to El Junquito. Men of the C Brigade of the PTJ Anti-Robbery Division, who had apparently come with the patrols 152 and 154, had allegedly appeared at his home without any court warrant and had fired several times in order to simulate a gunfight and to kill Pedro.

790. In the same letter, the Special Rapporteur reminded the Government that no replies had been received to several cases communicated in 1996 and 1997.

791. Owing to limited human resources, the Government's replies dated 29 January, 3 February, 26 March and 18 May 1998 could not be included in this report but will be in the next.

## Viet Nam

### Regular communications and replies received

792. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

793. Thich Nhat Ban (secular name: Ho Buu Hoa), a Buddhist monk, was allegedly ill-treated on several occasions while in detention and is reportedly in ill-health as a result of recent ill-treatment. In 1993, it is alleged, Security Police attempted to persuade him to leave his home by beating him and then left him chained to a tree for three days with no food. He was reportedly arrested in October 1994 on charges of "undermining religious solidarity" for his involvement with a Unified Buddhist Church of Viet Nam rescue mission organized to help flood victims. He is reported to be currently serving a four-year sentence in Z30A Re-education Camp, Xuan Loc. In August 1997, Thich Nhat Ban reportedly made an appeal to the prison authorities to improve the prisoners' conditions, requesting the authorities to cease ill-treatment and to provide adequate food and medical care. After this appeal, he was reportedly transferred to K2, a disciplinary zone in the forest where he was said to have been locked in solitary confinement. The solitary confinement cells are reported to be damp and dark with no ventilation, windows or light. The cells are also said to be extremely small, approximately 2.5 square metres. Prisoners' food rations are allegedly inadequate, as they receive only small amounts of rice which is mixed with salt water. As a result, after one month of solitary confinement, Thich Nhat Ban was said to be in a critically weak condition.

794. Duong The Tung was reportedly sentenced to death on 16 April 1996 by Ha Noi People's Court for murdering a policeman. While awaiting the verdict he was tortured in a court anteroom by police officers with electric batons. Although in good health when he was taken to the anteroom, when he returned to the court, it is reported that he was clearly suffering from the physical effects of electric shock torture. He is said to have been executed by firing squad on 24 April 1997, his final appeal to the President for clemency having been turned down.

### Urgent appeals and replies received

795. On 23 November 1998, the Special Rapporteur sent an urgent appeal on behalf of nine prisoners: Tran Van Luong, born Truong Van Lan, a former Deputy in the National Assembly of the Republic of Viet Nam, Brother Mai Duc Chuong, a member of the Roman Catholic Congregation of the Mother Coredemptrix in Thu Duc, near Ho Chi Minh City, Tran Nam Phuong, a Buddhist, Phan Van Ban, a former officer in the South Vietnamese Army, Nguyen Van Bao, a teacher, Y Blot, a member of an ethnic Montagnard tribe from Gia Lai-Kontum province, Do Huon, a Vietnamese-American, Le Van Son, a member of the Hoa Hao religious sect, Nguyen Truong. They are all detained at the T5 Re-education Camp in the Thanh Cam district of Thanh Hoa province, charged with allegedly attempting "to overthrow the people's government". The prisoners are said to be extremely weak, seriously ill and severely affected by malnutrition and vitamin deficiencies. They are allegedly suffering from the cumulative

effects of prolonged solitary confinement, hard labour and harsh living conditions over a long period. Furthermore, they have allegedly been denied medical treatment.

796. In the same urgent appeal, the Special Rapporteur advised the Government that he had received information on two Buddhist monks mentioned below, who are both members of the independent Unified Buddhist Church of Viet Nam and are currently detained at Z30A Re-education Camp in Xuan Loc district of Dong Nai province. Thich Thien Minh (secular name: Huynh Van Ba) was reportedly sentenced to life imprisonment in 1979 and to a second life imprisonment in 1986 after having attempted to escape. He is said to have staged several hunger strikes to protest against the ill-treatment of other prisoners and to have consequently been detained in solitary confinement and poorly fed for several months. He is now reportedly being detained incommunicado in K2, a disciplinary sub-camp of Z30A in the forest. Thich Hue Dang (secular name: Nguyen Ngoc Dat) was reportedly sentenced to 20 years in prison on 18 June 1992 for writing pamphlets on Buddhism and democratic reform. He is allegedly extremely weak and suffering from diabetes. It is reported that both monks have been denied medical treatment.

## Yemen

797. By letter dated 10 November 1998 the Special Rapporteur reminded the Government of a number of cases transmitted in 1996 regarding which no reply had been received.

## Yugoslavia

### Regular communications and replies received

798. By letter dated 22 September 1998, the Special Rapporteur advised the Government that he had received information on the following cases.

799. Twenty-four Albanians were tortured and massacred during an attack on the village of Drenica. The attack was reportedly carried out by Serbian police, paramilitaries and soldiers of the Yugoslav army. Ten of the 24 killed were allegedly members of the Ahmetaj family. On 28 February 1998, policemen reportedly entered the premises of the 36-member Ahmetaj family and forced all of them to lie on the floor. The policemen allegedly started to beat and torture all of them, not sparing the women and children. The 10 men who were present were subsequently singled out and were reportedly taken to the yard, beaten and executed one by one.

800. In the first half of 1998, some Serbian courts in Peja, Prizren, Mitrovica, Prishtina and Nis have reportedly initiated investigative proceedings against many Albanians charged with being members or collaborators of the Kosova Liberation Army. In order to extract self-incriminating statements from detainees, they were reportedly subjected to torture and other forms of ill-treatment. Rexhep Bislimi, a 32-year-old human rights activist working for the Council for the Defence of Human Rights and Freedoms and a former political prisoner, was allegedly arrested on 6 July 1998 and subjected to severe torture and inhumane treatment in custody. He was transferred to Pristina hospital with severe injuries. Shortly before his death on

22 July 1998 in Pristina hospital, his body was reportedly described as bearing marks of torture and severe ill-treatment. The office of the High Commissioner for Human Rights in Belgrade has intervened on his behalf.

801. By the same letter the Special Rapporteur reminded the Government of a number of cases submitted in 1997 regarding which no reply had been received.

## Urgent appeals and replies received

802. On 7 August 1998, the Special Rapporteur sent an urgent appeal in conjunction with the Special Rapporteur on the independence of judges and lawyers on behalf of Mr. Destan Rukiqi, a human rights lawyer who has defended ethnic Albanian political prisoners in Kosovo in recent years and has reportedly provided information on war crimes committed by Serbian special police forces in Kosovo to the International War Crimes Tribunal for the Former Yugoslavia in The Hague. He was reportedly arrested on 23 July 1998 in the presence of staff of the office of the High Commissioner for Human Rights and sentenced the same day in an expedited procedure to the maximum 60 days in prison for disturbing public order under article 6, paragraph 3 of the Serbian Law on Public Order. He was allegedly severely beaten by the police following his arrest and was hospitalized on 30 July in serious condition because of injuries to his kidneys caused by the beatings.

803. In the same urgent appeal, the two Rapporteurs also reported that another human rights activist, Zahrida Podrimcaku, was arrested in Prishtina on 9 June 1998. She had reportedly been investigating an incident that occurred on 31 May 1998 in the village of Poklek in which police detained 10 ethnic Albanian men during an attack on the village. The body of one of the men, Ardian Deliu, was reportedly found the next day, while the other nine men remain missing and are presumed dead.

## Observations

804. The Special Rapporteur notes the conclusion of the Committee against Torture with respect to the situation in Yugoslavia:

> "The Committee is extremely concerned over the numerous accounts of the use of torture by the State police forces that it has received from non-governmental organizations. Reliable data received by the Committee from non-governmental organizations include information describing numerous instances of brutality and torture by the police, particularly in the districts of Kosovo and Sandzack. The acts of torture perpetrated by the police, and especially by its special units, include beatings by fists, beatings by wooden or metallic clubs mainly on the head, on the kidney area and on the soles of the feet, resulting in mutilations and even death in some cases. There were instances of use of electroshock. The concern of the Committee derives also from reliable information that confessions obtained by torture were admitted as evidence by the courts even in cases where the use of torture had been confirmed by pre-trial medical examinations." (CAT/C/SR.354, para. 13)

## Zambia

### Regular communications and replies received

805. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received further information that during the state of emergency imposed on 29 October 1997 several persons detained under the Preservation of Public Security Act, which permits up to 28 days detention without charge, were tortured by police in order to compel them to implicate other alleged participants and confess their own involvement in the coup attempt. According to the information received, there are limited safeguards for state of emergency detainees, including a provision of the Constitution which stipulates that, within 14 days of detention, a notice must be published in the government Gazette giving the name, the place and the law under which they have been detained. Other safeguards are said to include access to a lawyer, and the right to challenge a detention, but no sooner than three months after being taken into custody. In connection with this coup, the Special Rapporteur had expressed in an urgent appeal sent on 7 November 1997 his fears about the treatment of the four following persons.

806. Dean Mung'omba, the leader of the Zambia Democratic Congress (ZDC), was reportedly tortured while held in incommunicado detention for four days at the police headquarters in downtown Lusaka. He was reportedly arrested at his home by eight police officers on 31 October 1997 and tortured by a group of 15 police officers beginning on 1 November. He was allegedly denied food, water and sleep, and was also subjected to physical torture, including burns to his arms and legs with lit cigarettes and the application of electrical shocks to the handcuffs he was wearing. He was also reportedly forced to endure the torture method referred to as "the swing", i.e., he was suspended from a metal bar by his handcuffed hands and rope-tied legs, then beaten. Bruises and cigarette burns are said to have been visible on his body when he appeared in court on 4 November 1997. Later a medical doctor reportedly confirmed bruising and burn wounds. On 4 November, he was reportedly transferred to Lusaka Central Prison.

807. Captain Steven Lungu, the alleged coup leader, was also allegedly tortured in the same police station. Dean Mung'omba reported seeing him lying unconscious on the floor of the police cell after he was tortured and that he was unable to walk when he finally regained consciousness.

808. Captain Jackson Chiti was allegedly similarly tortured for six days. He was detained beginning on 28 October 1997. Police allegedly beat him while he was hanging on "the swing", and demanded that he implicate the leader of the Liberal Progressive Front in the attempted coup.

809. Major Bilex Mutale was also allegedly tortured in an attempt to force him to implicate particular individuals as participants in the coup attempt. He was reportedly beaten with short batons by two police officers. Police allegedly threatened to report him as "brought in dead" if he did not confess to having been given money by the leader of the ZDC.

810. Major Musonda Kangwa was allegedly tortured by police while in detention. He was detained incommunicado from 2 to 13 November 1997, accused of participating in the coup attempt. At the hearing on his habeas corpus application he reportedly complained repeatedly of severe pain as a result of the injuries sustained when he was tortured.

811. Corporal Robert Chiulo died in the week of 7 December 1997 at Maina Soko military hospital, allegedly from injuries inflicted during torture. His wife, Patricia Mwewa reported that although her husband sustained a gunshot wound at the time of his arrest his condition had been improving until the hospital security guards refused to let her see her husband on 7 November 1997 and each day after. Then, on 30 November 1997, they told her he had died. She has reportedly been denied access to the results of the post-mortem examination. The authorities are said to have explained that he died of malaria.

## Zimbabwe

### Regular communications and replies received

812. By letter dated 23 September 1998, the Special Rapporteur advised the Government that he had received information on Kevin John Woods, Philip Masiza Conjwayo, Michael Anthony Smith, Barry Desmond Bawden, and Dennis Bawden, known as "the Harare four". They were reportedly incarcerated for the blowing up of (South African) African National Congress (ANC) premises in January 1988, and held in the Chikurubi Maximum Security Complex in Harare under allegedly inhumane conditions. They are alleged to have spent 5 years in solitary confinement and 21 months without sunlight. Cells are reportedly overcrowded and unsanitary. Reportedly, individuals with tuberculosis and those in the last stages of AIDS are kept with other prisoners in cells where the blankets are filthy and body fluids collect on the floor. There is no hot water and very little soap. On 7 April 1997, 30 prison officers conducting a routine search were allegedly aggressive and lewd towards these four men. They are alleged to have performed strip searches in front of other inmates and destroyed their belongings. By letter dated 30 September 1998 the Government acknowledged receipt of this communication.

## Other communications: information transmitted to the Palestinian Authority

### Regular communications and replies received

813. By letter dated 3 September 1998, the Special Rapporteur advised the Government that he had received information according to which a large number of persons arrested or detained in the West Bank, and especially, in the Gaza Strip under the Palestinian Authority's jurisdiction have been subjected to torture and other forms of ill-treatment. Since the beginning of 1996, cases of torture and ill-treatment have been frequently reported and several official complaints have reportedly been lodged before the Attorney-General or local public prosecutors, to which most often no response was made. Most branches of the Palestinian security forces including the police, the Palestinian Preventive Security Service (PSS), the civil and military intelligence services (respectively, the *mukhabarat* and the *stikhabarat*),

Force 17 (a special force directly accountable to President Arafat) and the naval police (the *bahriyya*) are reportedly involved in these acts. The rapid expansion of the Palestinian police, which has placed untrained policemen in a position of authority over others, is thought to be a factor in the spread of torture. By failing to investigate allegations of torture and other ill-treatment, the heads of the Palestinian security services are reportedly condoning the torture and other ill-treatment practised by their subordinates. The fact that complaints by individuals against those who are suspected of having committed acts of torture and other ill-treatment are almost always ignored seems to have created an atmosphere of impunity which has allowed torture to increase. In very few cases have perpetrators been brought to trial and punished. The period of incommunicado detention seems to have been extended, thereby increasing the risk of torture and other ill-treatment. Those arrested tend to be held in incommunicado detention for between a week and a month. The methods most commonly used include: burning with electric elements and cigarettes (sometimes whilst suspended and being beaten); *shabeh* (position abuse) and sleep deprivation, treatment which may last for up to 20 days; different forms of sensory abuse, including *khazana* (confinement to a cupboard-sized room), exposure to cold from an air-conditioner or exposure to raucous music blaring out 24 hours a day from loudspeakers; suspension from a hook in the ceiling, the victim being suspended upside-down or by his handcuffed hands; beating with cables, hoses, sticks or hands, and kicking (this is certainly the most common form of torture or ill-treatment); dropping molten plastic on the body; threats of punishment, incapacitating or raping female relatives, and insults. Finally, it must be noted that fears of reprisals allegedly prevent human rights organizations from collecting evidence from victims. This phenomenon seems to have increased since 1996 and is thought to be related to an increasingly widespread use of torture or ill-treatment.

814. By the same letter the Special Rapporteur advised the Government that he had received information on the following cases.

815. Salman Jalaytah is thought to have been arrested on 15 January 1995 by the PSS. He was reportedly kept without food, given electric shocks, pinched with pliers and beaten with cables. His dead body, on which marks of violence were visible, was allegedly seen by his family on 18 January 1995. An autopsy is thought to have been performed.

816. Muhammad 'Atwa 'Abd al-Majid al-'Amur was allegedly arrested at his house by the PSS on 24 April 1995. He was first detained at Rafah and then transferred on 19 June to Shifa' hospital, where he died on 21 June 1995. His body is thought to have shown traces of burns and evidence that he had been tortured. An autopsy was performed, but no information seems to have been released about its findings and no investigation is known to have been carried out.

817. Khaled 'Isas al-Habal reportedly died on 11 August 1996, a few hours after his arrest by the PSS the previous day. He had allegedly been beaten for four hours. His body was handed back to his family on 13 August, after an autopsy, the results of which are said to be unavailable. The Palestinian Authority is said to have announced that the death had been a suicide by

hanging. However, it is alleged that no strangulation marks were noticed, while bruises on the body, leg and back were visible. No inquiry is known to have taken place.

818. Suleiman Saleh Musa was reportedly arrested by the police of the Palestinian Autonomous Areas Authority on 20 August 1997 near the centre of Bethlehem on al Saf Street. The police had put a wheel lock on his car, which was parked in an unauthorized zone. When the police came he was severely beaten on the spot and then taken to the central police station of Bethlehem, where he was apparently again severely beaten by six police officers. He was reportedly admitted to a hospital later on the same day with a head laceration, a broken nose and bite marks on his left shoulder.

819. Dr. Mahmud al-Zahhar, the leader of Hamas in Gaza, was reportedly arrested on 28 June 1995 and detained for more than three months without charge or trial. He is said to have been beaten to the extent that his arm was broken, and his hair and beard were shaved off.

### Urgent appeals and replies received

820. On 17 April 1998, the Special Rapporteur transmitted to the Palestinian Authority an urgent appeal on behalf of some 40 persons, including Ghassan al-Adassi and Dr. 'Abd al-Aziz Rantissi, a 51-year old Hamas spokesman, who are reported to have been arrested on 29 March 1998 in connection with the killing of Hamas leader, Muhyi al-Din Sharif. Ghassan al-Adassi was allegedly arrested by the PSS on 29 March at his home in al-Bireh in the West Bank. He has reportedly been subjected to beatings, sleep deprivation and hanging from the hands during his detention, and is said to have confessed to involvement in the murder as a result of torture. He has also allegedly been denied access to his lawyer in spite of the latter's requests. Dr. 'Abd al-Aziz Rantissi is reported to have been detained for interrogation by the Palestinian police on 9 April 1998 following a Hamas statement implicating the Palestinian Authority in the killing. He is allegedly being denied visits by his lawyer or family, in spite of permission granted to his lawyer by the Attorney-General. None of the other persons arrested in connection with the murder are believed to be allowed access to their families and lawyer.

821. On 14 May 1998, the Special Rapporteur, in conjunction with the Special Rapporteur on freedom of opinion and expression and the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal on behalf of Abbas al-Mu'mani, a freelance photographer who works for Reuters. Two armed officers from the General Intelligence Service arrested Abbas al-Mu'mani at his office in Ramalleh in the West Bank without a warrant on 5 May 1998. He was allegedly held incommunicado until 10 May, without access to lawyers or family members. During his detention, General Intelligence officers reportedly tortured him by hanging him from the ceiling. He was allegedly hit with cables and cut all over his body, denied sleep and food, and not allowed to use the toilet for the first five days of his detention. He was also forced to remain in *shabeh* (painful positions) during this period. On the morning of 10 May, Abbas al-Mu'mani reportedly escaped from a General Intelligence detention centre by jumping out of a third floor window, breaking his leg as a result. He was reportedly rearrested on the evening of the same day and returned to the custody of the General Intelligence. He has allegedly

been held incommunicado since his rearrest. It is believed that the arrest of Abbas al-Mu'mani is linked to the Reuters broadcast on 8 April 1998 of a video cassette in which Abdel Awadallah, accused by the Palestinian Authority of participating in the killing of Hamas leader Muhi al-Din al-Sharif on 29 March 1998, charged the Palestinian Authority with responsibility for the assassination.

822. On 16 October 1998, the Special Rapporteur, in conjunction with the Chairman-Rapporteur of the Working Group on Arbitrary Detention, sent an urgent appeal on behalf of Jamal al-Tawil, a human rights activist, who was allegedly arrested on 6 October 1998 without a warrant at his home. No reason for his arrest is known. Five armed members of the security forces searched Jamal al-Tawil's house after his arrest and confiscated his personal belongings, including computer discs, videotapes, books and papers. He was reportedly first taken to the General Intelligence (mukhabarat) detention centre in Ramallah where his wife was allowed to visit him on the day of his arrest. A day later, on 7 October 1998, he was allegedly transferred to Jneid prison in Nablus. He was currently detained incommunicado at a General Intelligence detention centre in Jericho.

### Observations

823. The protracted periods of incommunicado detention apparently permitted give credibility to the substantial allegations of torture. The Special Rapporteur urges the Authority to act effectively and expeditiously to put in place strict measures to prevent and punish torture and ill-treatment, which can never be justified even by the acute security situation faced by the Authority.

## IV. CONCLUSIONS AND RECOMMENDATIONS

824. The Special Rapporteur considers that his views on the scope of the problem and the key measures to address it, often stated in previous reports, are sufficiently summarized in his interim report to the General Assembly annexed to the present report.

## Annex

## INTERIM ORAL REPORT TO THE THIRD COMMITTEE OF THE UNITED NATIONS GENERAL ASSEMBLY BY THE SPECIAL RAPPORTEUR OF THE COMMISSION ON HUMAN RIGHTS ON TORTURE

(New York, 5 November 1998)

I am very grateful that the Committee has made it possible for me to comply with the request of the Commission on Human Rights to present to the General Assembly this interim oral report on the overall trends and developments with regard to my mandate (resolution 1998/38, para. 30). However, it is also daunting to attempt to do justice to the task in a few minutes.

The most difficult area in which to identify trends and developments is with regard to the incidence of torture and similar cruel, inhuman or degrading treatment or punishment. In any one year, information received from reliable sources, usually non-governmental organizations, and transmitted to Governments concerns around 60 to 80 countries. It does not always concern the same countries from year to year, though some tend to figure more consistently than others. In maybe half of the number, torture could be said to be resorted to regularly.

Methods range from brutal and protracted infliction of extreme physical duress, such as beatings with instruments, burnings with cigarettes, rape and other sexual assault, through somewhat more refined techniques, still occasioning intense pain, such as application of electric shocks, to methods of a more psychological nature, such as mock executions or other threats against the victim or his or her family creating apprehension of irreparable harm to the victim or those close to the victim. There are no hard borderlines between these categories. And, while it has not been possible to undertake a thorough review of the information accrued over the years, my intuitive impression is that there has been a manifest trend away from the physical to the psychological, albeit this may have been the case only in some countries.

Victims of torture can be anyone whom the agents of bodies charged with law enforcement, the maintenance of public order or national security, suspect to be in possession of wanted information, or to be a criminal, proof of whose criminality could be confirmed by the extraction of a confession, or to be a person or member of a group they wish to intimidate from engaging in unlawful or otherwise unwelcome behaviour. They may be political activists, trade unionists, journalists, lawyers, doctors, human rights defenders, as well as suspected terrorists. They may also be children.

In earlier years, most information concerned individuals with some real or perceived political connection. Increasingly, information is also received in respect of torture victims believed to be involved in ordinary criminality. How far this may be a reflection of greater awareness of a more long-standing problem is speculative. Also foreigners or other minority group members may be specially vulnerable to torture or similar ill-treatment at the hands of law enforcement officials. Certainly, the political cases remain a serious problem, particularly in those countries faced with armed conflict or sustained terrorism, whether or not a public emergency has been formally proclaimed. Yet torture is a crime in most if not all national legal systems, as well as under international law. Indeed, its especial gravity lies not only in the appalling suffering inflicted on the victims, but also in the fact that it is committed by those charged with upholding the law. Of course, in so doing they bring into disrepute and poison the wellsprings of legitimacy of that very law.

Its continuation is the result, as highlighted in the Vienna Declaration and Programme of Action of the 1993 United Nations Conference on Human Rights, of impunity. There are numerous causes of this impunity. They include: the provision of the opportunity for captors and interrogators to torture by allowing prolonged incommunicado detention of persons, that is, detention without access to the outside world, including lawyers, doctors and family members. The detainees are thus at the mercy of their custodians.

Another cause of impunity is the reluctance of prosecutors and judges to believe allegations of torture emanating from members of marginalized or threatening sectors. Conscious of the expectations of the political branches of government and, sometimes, an insecure general public, they betray their vocation by turning a blind eye to all, or at least all but the most irresistible, evidence of torture. This may be as true in respect of decisions to accept rather than exclude evidence that may well have been obtained under torture, as in respect of proceedings brought against alleged torturers.

A further source of impunity is the existence of special legal norms, procedures and forums in cases where State security forces are involved. Sometimes the perpetrators are immune from the ordinary courts, being subject to, or perhaps more accurately, protected by, military justice, a phenomenon that seems fortunately to be beginning to recede. Sometimes, special security courts will know how to ignore claims that confessions are the product of torture.

These contributions to impunity are of a de facto nature. There are also causes of a de jure nature. This occurs, when a State adopts measures aimed at relieving the perpetrators of torture of legal liability. This can be, for example, by providing an unrealistically short period of prescription, or the adoption of acts of indemnity, or the granting of general amnesties requiring no individual accountability.

When the Commission created the mandate of the Special Rapporteur, in 1985, many hoped that the influence of the United Nations on its members would speed the eradication of the scourge. We are still far from that. As long as law enforcement officials know that their careers are best served by torturing, rather than by complying with the law, they will continue to do so. This means breaking through the shield of impunity.

Many of the numerous recommendations made by the mandate over the years to the Commission would, if complied with, achieve the objective. I shall confine myself to three here. First, at the national level, States should ensure that prolonged incommunicado detention, that is, any period beyond 24 to 48 hours, is not permitted. Failure to comply with that should be taken by all concerned as corroborative evidence of allegations of torture causing the burden of proof then to fall on those who would deny the allegations. Second, at the international level, all States should speedily ratify the Rome Statute of the International Criminal Court with a view to bringing to justice perpetrators of torture in the context of genocide, crimes against humanity and war crimes.

Third, at the transnational level, all States should ensure that they have in place legislation that would permit them to take jurisdiction over perpetrators of human rights crimes, including torture, as well as genocide, crimes against humanity and war crimes. The long-standing interest of the General Assembly in promoting the eradication of torture is gratifying. We must all redouble our efforts to ensure that it does not for long constitute a stain on the new millennium.

-----